



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

**UN Conference to Negotiate a  
Nuclear Prohibition Treaty:  
Comments on Preamble**

**15 June 2017**

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Madam President

New Zealand is grateful for this opportunity to provide now some specific comment on a number of the paragraphs which have been included in the initial draft of the Preamble to the Convention as set out in CRP.1.

There is much indeed that the New Zealand Delegation welcomes in the draft Preamble and which we can support as presently drafted. In the interests of brevity, Madam President, I will focus my remarks today only on those areas – essentially legal and International Humanitarian Law-related ones - where we would wish the text to be strengthened or where we believe there are gaps to be rectified.

Firstly, we would welcome either a new Preambular paragraph (PP), or the incorporation into the text of an existing PP, with language drawn from the important acknowledgement in the 2010 Non Proliferation Treaty (NPT) Outcome Document regarding compliance with International Law and IHL. If included as a standalone paragraph, this could, for instance, be inserted as a new PP following straight after current PP3, along the following lines: “*Reaffirming* the obligation on all states at all times to comply with international law, including international humanitarian law,”.

Second, we strongly support the primary focus of the present PPs 4, 5 and 6 on the principles and rules of IHL – but we think it valuable that the Preamble recall and emphasise *all* the fundamental tenets of IHL and not just those aspects outlined at present in PP4. We would welcome the reactions of colleagues here to a possible expansion of the IHL-related language which could read along the following lines:

A new initial para: “*Aware* that the right of the parties to an armed conflict to choose methods and means of warfare is not unlimited,” could be followed by an expanded PP4 – which might, for instance, say: “*Basing themselves* on the principles and rules of international humanitarian law, including the rules of distinction and precaution, the prohibition of indiscriminate attacks, the rule on proportionality in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering and the rules on the protection of the natural environment,”.

And finally in the context of IHL, Madam President, we would propose a slight reframing of the Martens clause as it is currently set out in PP6 which could instead say: “*Stressing* that any use of nuclear weapons would be abhorrent to the principles of humanity and the dictates of public conscience,”.

Thirdly, we would like to suggest consideration of a merger of the current PP8 and 9 which could then read: “*Bearing in mind* that the prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament and the total elimination of nuclear weapons,”.

Further, we would recommend that in PP12 we acknowledge the source of the famous quotation which is set out there. This could be along the following lines: “*Recalling* the unanimous conclusion of the International Court of Justice in its Advisory Opinion of 8 July 1996 that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,”.

Finally, Madam President, we think there would be merit to a simpler text in PP13 - albeit one that maintains all three elements currently contained in that para. It could for instance state: “*Cognisant of* the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of international nuclear non-proliferation and disarmament, and of the significant contributions to nuclear non-proliferation and disarmament which have been made by the Comprehensive Nuclear-Test-Ban Treaty and its verification regime as well as by the treaties which have established nuclear-weapon-free zones,”.

Thank you.