

Madam President,

The New Zealand Delegation is grateful for this opportunity to present our views on what really is the central core of the draft treaty: Articles 2, 3, 4 and 5. These Articles are at the heart of our framing for a nuclear-free world. They must present a coherent pathway for adherence to the treaty by States possessing nuclear weapons at the same time as they present a satisfactory level of reassurance that all its provisions are going to be met by all its Parties.

**Turning first to Article 2 – Declarations.** As presently drafted, this provision would require *all* State Parties to submit a declaration to the UN Secretary-General as to whether or not they have manufactured, possessed or otherwise acquired nuclear weapons after a certain timepoint. This is an approach borrowed, most notably, from the Chemical Weapons Convention (CWC). However I think this is one of those occasions, Madam President, when following a precedent drawn from a very different context is inappropriate.

The drafters of the CWC included amongst them a number of States possessing chemical weapons - and it was necessary in those circumstances to establish a baseline for purposes of the timetable for destruction of the weapons and against which compliance could in future be measured. But the circumstances of this negotiation are altogether different given that *none* of us here possess the weapon system under discussion. All of us are in fact legally bound, under the terms of the Nuclear Non-Proliferation Treaty (NPT), not to possess nuclear weapons. Accordingly, for us there is no need whatsoever to establish a baseline. For all those of us here, Article 2 is in effect drafted as an invitation to us to make a declaration that we have acted illegally.

I note as a further word of caution that, notwithstanding the *direct utility* of the declaration/baseline approach in the CWC context, a significant number of States still failed to comply with this obligation even after the expiry of a considerable period of time following the Convention's entry-into-force. This gives us further cause to doubt the value of an Article 2 drafted as applying to all States Parties.

It has been explained to me, Madam President, that Article 2 has been drafted in this way to ensure that there is no distinction – no *discrimination* – in treatment as between any State Party to the treaty. We can certainly accept the logic of this when we are focused on treating *similar* situations similarly. But we would suggest that there does need to be a difference in key aspects of the requirements applicable to any State actually possessing nuclear weapons (and who must establish a timetable and process for destruction) and any State which does not. The need for this variation in treatment is indeed already recognised according to the processes envisaged in Articles 4 and 5 (neither of which apply to States not possessing nuclear weapons). We would suggest that Article 2 should be treated comparably and made applicable only to States possessing nuclear weapons. Better yet, it could be deleted in its entirety – and the declaration/baseline process currently in Article 2 could be explicitly incorporated as part of the pathway for adherence to the treaty (at present outlined in Articles 4 and 5) by nuclear weapon possessors.

**Turning now to Article 3 – Safeguards.** My Delegation welcomes the inclusion of a provision to ensure that there is a process to provide assurance that States Parties are indeed meeting their obligations under the new treaty. This process to ensure compliance is, of course, able to build on the *existing* processes we all have in place pursuant to the NPT and our binding arrangements with the IAEA.

New Zealand is therefore of the view that there is a clear need to strengthen the terms of Article 3 and its Annex at the very least to ensure that the requirements placed upon us in *this* treaty are no less than those which we have already assumed in the context of the NPT: in the case of New Zealand and many others here, this means not anchoring us to the terms of INFIRC/153 but going beyond this to the gold standard of the Additional Protocol. We are confident that there is a relatively simple drafting fix available whereby we can ensure that Article 3 sets no standard lower for any of us than that which we have already assumed.

**In terms of Articles 4 and 5,** New Zealand is not fully convinced of the value of providing, as has been done under these Articles, for two separate pathways for adherence by nuclear weapon possessors. In our view, the process envisaged in Article 5 of a stand-alone Additional Protocol to govern the terms and conditions, including verification, for adherence by any or all nuclear weapon possessors is likely to offer the most viable route. But clearly there is a need to incorporate into the text of this treaty rather more detail about the process and procedure for putting such Protocols in place in order to provide clear reassurance to all States about the substantive requirements and the procedures for this pathway. This greater level of detail will also serve to make it clear that the terms of an Additional Protocol can be used to cover all the conceivable circumstances applicable to adherence by any nuclear weapon possessor or group of possessors.

We are very interested in the proposals just put forward now by the Ambassador of South Africa and will be taking a careful look at them although we note that they do not retain the approach of current Article 5 for an Additional Protocol. That said, we look forward to exploring these important issues with all delegations here.

Thank you.