

Thank you Madam President

### **Article 11 on Amendment**

With respect to Article 11 on Amendments, my delegation considers that it would be useful to spell out in rather more detail in the text how this provision would operate, in practice. For example, as drafted, the Article is silent as to exactly who it is who can submit proposals for amendments. *Other* treaties provide that only States Parties have the ability to propose amendments - and we assume that this is also the intention here too.

Article 11 is also silent as to whether States Parties will be given a particular period of time in which to consider a proposed amendment before being required to take action on it. Coupled with the fact that a decision on amendment can be taken by *any* Meeting or Review Conference of States Parties to the Convention – and not only at a particular Amendment Conference as provided for, for example, in the Cluster Munitions Convention – we note that this omission lowers the threshold for amending the Convention. We would therefore recommend tightening this provision (for example by requiring a proposal for amendment to be circulated at least 90 days before it can be considered for adoption).

### **Article 14 on Signature**

Briefly with respect to Article 14, we understand that the specific dates and locations for signature of the treaty will be incorporated into the text as we move forward with our negotiations here.

### **Article 16 on Entry into Force**

With respect to Article 16, we recognise the different views that have been expressed regarding the appropriate number of ratifications needed for the treaty to enter into force. On the one hand, we are aware of the persuasive arguments that emphasise the importance of there being no unnecessary impediments to the entry into force of the treaty – and, after all, we have all lived through the experience of the Comprehensive Test-Ban Treaty (CTBT) in this regard. But we hear, too, the observations of those who note that, given the importance of the treaty we are negotiating here, the number of ratifications needed for entry into force should not be an insignificant one. New Zealand can understand the sentiment underlying both these viewpoints. Accordingly, we are rather flexible as to the specific number of ratifications required for entry into force. We care rather more that the treaty *does* indeed enter into force than we care about the exact number of ratifications which brings this about - and it may well be that our President has selected an appropriate number for entry-into-force in the present Article 16.

### **Article 17 Reservations**

New Zealand welcomes the fact that **Article 17** does not allow for any reservations to be made to the treaty. This is consistent with other similar treaties in our field and we entirely support it, as well, in our current context.

### **Article 19 Relations with other agreements**

With respect to **Article 19**, Madam President, New Zealand would prefer to see a different formulation than that which has been put forward in our text here – and indeed than that which you outlined at the start of this session. We agree with Malaysia on this and also with their proposal – which as I understand it reads:

*“The implementation of this Treaty shall not prejudice obligations with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.”*

This proposal, which replicates the language in Article 26 of the Arms Trade Treaty, in our view would obviate the need to refer to either the Nuclear Non-Proliferation Treaty or the Comprehensive Nuclear-Test-Ban Treaty - or indeed any other agreement. Above all, we believe this proposed text appropriately registers the fundamental importance of the obligations we are undertaking in this new treaty of ours. Accordingly, we support the proposal of Malaysia.

Thank you.