



NEW ZEALAND

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

**Open-Ended Working Group on
Taking Forward Multilateral Nuclear
Disarmament Negotiations**

16 August 2016

The New Zealand Delegation wishes again to extend our congratulations to you, Ambassador Thongphakdi, for the inclusive and fair-minded manner in which you have continued to manage all the proceedings of our Open-Ended Working Group (OEWG) on Nuclear Disarmament. We are grateful for the comprehensive “zero draft” report you produced for us as the basis for these, our final set of meetings.

May I apologise for the New Zealand Delegation not having been able to take part in the formal discussions last Friday on your draft report but we look forward to engaging with you and colleagues here now this week – including on your new revised text issued late yesterday.

This August session takes place against the backdrop of a number of significant commemorations – most notably, of course, of the Nagasaki and Hiroshima bombings. But this month is in fact sandwiched between a number of important *twentieth-year* anniversaries. Last month saw the twentieth anniversary of the issuing by the International Court of Justice of their Advisory Opinion on the Legality of the Use or Threat of Use of Nuclear Weapons. And next month it will be 20 years since the Conference on Disarmament was last able to live up to its mandate and engage in negotiations.

These two anniversaries spotlight two fundamental aspects of our current disarmament landscape. One evokes memories of the crucial – and unanimous – conclusion of the ICJ – that “there exists an obligation to

pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects ..." No one here would need reminding of the fact that now, 20 years later, there has still not been any such negotiation. Including in recognition of the international legal obligation upon us in this connection, New Zealand has long looked for the initiation of these negotiations. I know that many, the overwhelming majority of others here, have, too.

The other twentieth anniversary I referred to is something akin to the tolling of a death knell. The CD's inability to do anything more useful than provide a talk shop should highlight for all of us why it is that we cannot, realistically, look to the CD to initiate these disarmament negotiations. Its limited membership and archaic rules of procedure are other reasons why it is an improbable forum for the conduct of negotiations on issues, such as nuclear disarmament, in which every member of the international community has a stake. The only truly representative forum for multilateral negotiations of this sort remains the United Nations General Assembly.

It is surely appropriate, Mr Chair, that these two features of our disarmament landscape have been at the centre of this year's discussions in the OEWG and are, accordingly, at the heart of your report. Para 59 of your first draft – para 62 of your redraft - references the initiation of negotiations, at a conference in 2017, and gives the General Assembly as its venue. But I understand, Mr Chair, that there are some who are keen to contest whether this viewpoint – presented in para 62 as that of the “*majority of States*” – is indeed the majority view.

No doubt there are a number of ways in which we could test this out. One, for example, would be to look at the *other* side of the coin – and consider how it is that we should characterise the *second* viewpoint outlined in para 62 – the view of those other States who believe that it would be “premature” yet to convene the multilateral negotiations the ICJ spoke of in 1996. Could there be any disagreement with a description of this viewpoint as that of “the minority”?

Having listened to the speakers in both previous sessions of this OEWG, Mr Chair, I am very confident that the overwhelming majority of states

here *do* think that it is high time for these negotiations to begin. This same majority is not content with the status quo – and we are not prepared, therefore, to rely *only* on a continuation of the step-by-step approach.

I say “only”, Mr Chair, because there is no need to reject the minority view – indeed I think none of us here do. As my Prime Minister made clear at the High-Level Meeting on Nuclear Disarmament held at the UNGA in 2013, it is perfectly possible to continue the pursuit of interim goals (“steps” or “building blocks”) at the same time as we advance the legal framework for the abolition of nuclear weapons. There is no need to make this a case of ‘either or’: we can do both.

The need, indeed, to do *both* if we are to move forward beyond the status quo is very apparent from another twentieth-year anniversary which I have not yet referenced. Next month it will also be 20 years since the adoption of the Comprehensive Nuclear Test-Ban Treaty (CTBT). That Treaty – long described as one of the pivotal “steps” or building blocks on the path to nuclear disarmament – has yet to enter into force. The listing of its entry-into-force – something sought these past 20 years – as the first additional measure identified under para 60 of the revised draft is a vivid illustration of why it is that the step-by-step approach cannot be looked to for any real step-*change* for anything beyond the status quo.

For as long as we live with the status quo, Mr Chair, we will have failed to comply with the obligations set for us in the NPT. That Treaty – which remains for NZ the cornerstone of the nuclear non-proliferation and disarmament framework – is not about the setting simply of *goals* or aspirations. It establishes an obligation to achieve a nuclear-weapon free world.