Hungarian statement

OEWG on taking forward multilateral nuclear disarmament negotiations

Panel IV on essential elements that could form part of effective legal measures...

Mr. Chair,
Distinguished Colleagues,

Hungary shares the ultimate goal of a world free of nuclear weapons, a noble objective, which is at the heart of the United Nations disarmament activities. We do our utmost to contribute to the efforts aimed at reaching the ‘global zero’, as well as to preserve and further strengthen already existing achievements, elements and institutions in this field.

We view the NPT as the cornerstone of the global nuclear non-proliferation regime and the fundamental framework to pursue multilateral nuclear disarmament, which has to be built on, rather than to be substituted or neglected by any other instrument.

The NPT regime, although many of its provisions relate to nuclear non-proliferation, also gives a roadmap to the envisaged process to reach global zero. Article VI prescribes negotiations in good faith on ‘effective measures’ in order to reach that goal. Fortunately, drafters of the Treaty were flexible enough to leave the determination of the exact character and content of these measures to those entrusted with the task of negotiating them. The only requirement under Article VI, in our reading, is that “each of the parties of the Treaty” needs to substantially participate in such negotiations and these negotiations – and their results – need to aim “the cessation of the nuclear arms race [...] and [...] nuclear disarmament”.

From this construction it follows that NPT, and in particular its Article VI contains an obligation to achieve a concrete result – which is nuclear disarmament. We may say, it is already a ban provision on nuclear weapons – in future tense, and without any further need to be repeated by a separate instrument. In fact, for 185 states – the greatest part of its membership – NPT is already a treaty banning nuclear weapons as it prohibits their acquisition. As for the complete elimination, the Treaty unequivocally marks the envisaged goal and the required behavior to reach it without any legal gap or uncertainty.

Taking into account the nature of nuclear weapons and common sense, negotiating any instrument containing any measure may only have sense if it is the most inclusive possible. We can hardly imagine any practical result of any legal instrument, especially if containing a restriction or a prohibition, concluded without the substantial involvement and consent of those most affected by its provisions. In our view, no fast track exists in this topic: necessary political will can only be created by substantial political engagement and lengthy but inevitable confidence-building, and not by stigmatization and denouncement, since political will cannot be imposed on the unwilling by legal measures. On the field of arms control, disarmament and non-proliferation, it is a general rule in international law, also recognized by the ICJ, that only previously accepted rules and obligations apply to a certain State. Those not accepting a particular treaty or any other legal instrument will not be bound by its provisions.

Thus, it is important to underline that, in our view, a separate ‘ban treaty’, if adopted without the involvement of nuclear weapon states and nuclear weapon possessing states, may not give anything to its proponents in addition to the already existing NPT regime. It will not increase their safety and security compared to the current level, nor would it contribute to getting rid of any more weapons and warheads than what is already agreed, taken into account that it would...
not be able to impose any new legal obligation on those choosing not to join it. What is more, by the political uncertainty it may create around already existing institutions, its indirect impact may even put at risk already achieved results.

Mr. Chair,

Since at this moment we cannot see nor the legal necessity, neither consensus behind any comprehensive and/or declarative legal instrument, be that either a ban treaty, a comprehensive nuclear weapon treaty or a framework agreement, effective practical measures – or shall we call them building blocks? – of legal nature have, in our view, a crucial role in reaching our final goal. Many of these effective legal measures were enlisted in the ‘Progressive approach’ paper submitted at our first session this February, which Hungary cosponsored. Since, much to our regret, Annex I of your recent synthesis paper did not succeed to fully capture the variety of proposals and many of those highlighted in the ‘Progressive approach’ paper are missing from the count, please allow me to elaborate a bit on some of these elements.

In our view, an essential but still missing measure is the entry into force of the CTBT and so achieving a comprehensive and de iure ban on nuclear tests. This was the motive why two years ago Hungary, together with Indonesia, chose to undertake the duties of Article XIV Co-Coordinator of the Treaty. We still attach a great importance to the further promotion of its universalization and to convincing still hesitant Annex II States to join and ratify. We call all participants of this OEWG to make efforts in order to push this process forward.

Another concrete step towards a world free of nuclear weapons would be starting negotiations, building on the 2015 GGE report, on a treaty verifiably banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Concluding a non-discriminatory, multilateral, internationally and effectively verifiable FMCT would constitute a significant contribution to both nuclear disarmament and non-proliferation. By limiting the amount of direct use materials the Treaty would also contribute to the implementation of NPT Article VI obligations.

Besides multilateral legal instruments, agreements of bilateral or plurinatural nature may also constitute important measures in reaching ‘global zero’, as in the past these have played an important role in the reduction of nuclear arsenals. In this regard, Hungary attaches a particular importance to the commencement of negotiations on a post-New START arrangement between the United States of America and the Russian Federation.

In our view, these measures highlighted, together with many other practical steps, including the universalization or ratification and entry into force of existing treaties, enhancing implementation of some other measures, such as S/RES/1540, may result in the foreseeable future in reaching the so-called “minimisation point”. At that point, the international community may determine the appropriate final step, the final block in the building of nuclear disarmament.

I thank you, Mr. Chair.