

Panel I statement

The New Zealand Delegation is delighted to see you, Ambassador Thongphakdi, in the chair of this important body – the Open-Ended Working Group to take forward multilateral nuclear disarmament negotiations. Our congratulations to you and our support for your efforts have already been conveyed in the New Agenda Coalition statement delivered during the initial session yesterday. We associate ourselves fully with that statement and also with the many others delivered here yesterday which welcomed the truly transparent and inclusive nature of this UN body and the UNGA Rules of Procedure applicable to it. This OEWG is a forum that excludes no one and welcomes everyone – something truly appropriate for a meeting dealing with a global issue, and risks, that affect the security and well-being of us all.

New Zealand's advocacy for a nuclear weapon-free world has been long-standing and consistent. We voted in favour of UNGA Resolution 70/33 establishing the OEWG. We maintain our strong support for it and are keen, both in our national capacity and also pursuant to our NAC membership, to contribute to its success in moving us towards the elimination of nuclear weapons.

Mr Chair, you have asked that Delegations, in their exchange of views under the Panel I topic on our agenda, address the “essential elements that would comprise effective legal measures, provisions and norms for attaining and maintaining a world without nuclear weapons”.

The fact that nuclear weapons far exceed any other weapon system in terms of their destructive power should add considerable urgency to our need to eliminate them - but it cannot be an adequate basis for any suggestion that the international community must invent a

unique, entirely new, method or approach to law-making for their abolition.

Those of us who are parties to the Nuclear Weapons Non-Proliferation Treaty (NPT), have already committed under Article VI to the adoption of effective measures relating to nuclear disarmament. In that context, I have heard some recent suggestion that while a legally-binding prohibition may be necessary for *maintaining* a nuclear weapon-free world, it is not in fact necessary in order to *attain* one. However, no clear explanation for why, as a matter of international law, this might be the case has yet been put forward. In any event, the fact that now, well over 20 years since the end of the Cold War, we are still so very far from reaching our goal would seem, as a practical matter, to suggest otherwise.

We see no reason why the pathway adopted for the elimination of *other* weapon systems, including for the elimination of both other types of WMD - that of a *legally-binding prohibition* – should not equally be applicable as a pathway for the elimination of *nuclear* weapons. There is no need to reinvent the wheel in order for the international community to move forward: the standard route used in relation to the abolition of other weapon systems, and indeed similarly followed in a wide range of previous multilateral endeavours establishing legal obligations in a variety of contexts, should again be followed.

As long ago as 1995, New Zealand's then Prime Minister acknowledged the need to move to abolish nuclear weapons in a similar sort of treaty to that put in place for chemical and biological weapons. Successive New Zealand Prime Ministers since then have recognised the need for the development of a legal framework for their abolition. In our view, the essential element for legal measures and norms for attaining and maintaining a world without nuclear

weapons is above all the requirement for a multilaterally-negotiated global prohibition.

The specific activities to be prohibited under this international legal regime are outlined well in the recent and excellent joint paper put forward this month by ILPI and UNIDIR entitled “A Prohibition on Nuclear Weapons: A Guide to the Issues”. Similarly, they were also examined in a paper presented on behalf of New Zealand at the First Committee last October by Professor Treasa Dunworth – and copies of that paper are indeed available at the back of this room. I should wish here to draw attention to the primary conclusion of Professor Dunworth’s paper – which is that a new legal instrument putting in place a prohibition on nuclear weapons would in no way undermine or displace the ongoing legal obligations arising from the NPT but would indeed strengthen them.

As illustrated by both papers, the specific types of activities to be prohibited are unlikely to differ substantially from those covered in other disarmament instruments. At a minimum, the following acts would be proscribed: the testing, development, possession and transfer of nuclear weapons, as well as the use or stationing of them, plus related offences of facilitation or assistance.

In concluding, Mr Chair, I would like to touch on an issue which was raised for debate at last year’s NPT Review Conference in a working paper put forward by New Zealand on behalf of the NAC. Our WP 9 noted that, in moving forward on legally-effective measures toward nuclear disarmament, we are effectively presented with a choice as between two distinct legal approaches: a standalone agreement (whether a comprehensive convention or a ban treaty) on the one hand, and a framework of mutually-supporting instruments on the other.

Our discussion here gives us the opportunity, which proved not to be possible in the confined span of the NPT and its processes, to explore the respective advantages of these two legally-distinct avenues. We look forward to making a contribution at forthcoming sessions of the OEWG to the consideration of this issue as well as to hearing the views of others.

Perhaps this might also be an opportunity to ask our eminent panellists as to whether they have any views on the respective advantages of the two legal avenues available to us in pursuing this prohibition on nuclear weapons.

Thank you Mr Chair.