NAC statement on SB1 draft text (CRP.1) – Monday 11 May

Thank you Mr Chair.

Could I first clarify that New Zealand was inscribed on Friday’s speakers’ list intending to deliver a national statement on effective measures – this to complement the statement we had delivered at the outset of Friday’s debate on behalf of the New Agenda Coalition. We have since forwarded to you the text of that national statement so I shall instead use this speaking slot, in the interest of time, not to deliver that statement orally but will instead speak on today’s agenda on behalf of the NAC.

The New Agenda Coalition is grateful for your efforts, Mr Chair, in producing for us the text in CRP.1 and which represents a first draft of the forward-looking component to be included in this Review Conference’s outcome document. Your text is, then, for us an essential component of any successful outcome to this Conference. We must be able to look forward on the NPT – it is not enough that we only glance backwards. For the NAC this is particularly true as regards the NPT’s first pillar – but the case is also true with respect to all the Treaty’s pillars.

We know that your intention is that your text would be slotted into the overall output of MC1 – which we have now indeed also had the chance to review - and we make our comments today on the basis that this is indeed the case. We will focus our remarks on the substance of CRP.1 but will note that, simply as a matter of structure, there will need to be some reformulation as between the two texts we were given on Friday at the point when they are joined together in order to ensure overall coherence.

Turning now to CRP.1, the NAC believes it represents a good basis for ongoing discussion and exploration here in our Subsidiary Body
meetings this week. We would wish to note however, as a general point, that the text seems to us to understate the sense of urgency for action on nuclear disarmament which came through in so many statements made in this Main Committee, in this Subsidiary Body and indeed also in our initial Plenary meetings.

That said, Mr Chair, there are many areas of the text which the NAC thinks do fully and accurately reflect the nature of the debate we have heard and we very much welcome the effort to which you have gone to ensure that the 2015 outcome document does not simply tread water but does move us forward from 2010.

So for instance we welcome the language used in OP3 as regards the call for the United States and Russia to get ‘START 3’ under way (except insofar as the call, at the end of this para, for engagement on reductions with the other three NWS is not made directly from the Conference but only via the US and Russia). We welcome the excellent reference to de-alerting in OP 7; and we welcome the specificity and comprehensiveness of the information as regards reporting by NWS in OP 9. Clearly this would advance measurability and accountability on this.

Some parts of the text are very much heading in the right direction. Under this category we include the good preambular language in pp2 on the Humanitarian Initiative; and strong operationalised language on security doctrines in OP 5 although only insofar as these relate to abandonment of a first use of nuclear weapons. There is good language in OP 6 regarding risks (including those from cyber threat) but the second half of this paragraph conveys what we believe to be an entirely false sense of security in terms of appearing to suggest that these risks can be entirely and fully addressed in NWS’ policies. We also note that this latter paragraph fails to make the accepted point that nuclear weapon-
related risks can ultimately only be eliminated through the complete elimination of these weapons.

Less positively, Mr Chair, there are other areas of the text which do not move us forward, or which are ambiguous, or which change established formulations - and which the NAC considers should be revised or redrafted. These include the following:

PP3 - regarding the ‘unequivocal undertaking’ - uses the language of para 79 (of the 2010 Chair’s text) rather than the 2010 consensus outcome language of Part A ii.

PP5 - on the international stability etc aspects of nuclear disarmament - contains some rather ambiguous, and potentially misleading, language.

-In PP 7 there is a listing of the nature of the actions that can represent effective measures for the full implementation of Article VI – the drafting here is misleading in that it suggests (via its use of “or”) that you could, for instance, have full implementation of Article VI via unilateral measures. This is very clearly not the case. And I note that this would, for example, be in contradistinction with what the ICJ – those 15 most pre-eminent international lawyers – said in their Advisory Opinion of 1996.

- The first part of the text of OP1 regarding the Humanitarian Initiative contains a statement of hortatory aspiration that this Initiative should be a unifying factor; we think this observation is rather misleading.

-As foreshadowed in my earlier comments, the NAC would want OP 5 expanded to include other security doctrines and policies and not just a no-first use one.
Mr Chair, I would like to conclude with observations in greater depth on one particular issue. The NAC welcomes the acknowledgement in this text of the need for a legal framework for a world without nuclear weapons (I refer to OP 2 and OP 11) as well as in OP 17 as part of the full realisation of Article VI). But we are concerned, however, by its evident framing as a longer-term goal - and one for which there is, in this text, no serious attempt to move towards. Instead, the Conference is to endorse, in OP 11, the call for accelerated building blocks, something that inspires the NAC with no greater confidence, in reality, than the status quo.

Of most concern to the NAC is the language of OP17 where States Parties are simply encouraged to engage without delay to “identify and elaborate” the legal provisions required for a world without NWs and lists the options available for such legal provisions. This issue is of too great an importance to simply encourage engagement on what is a legal obligation under Article VI of the NPT. We are of the strong view that this issue is one that must be accorded a greater level of aspiration and urgency (as in the proposals made by the NAC in WP 9).

Thank you.