NAC statement: Subsidiary Body I: Friday 8 May

Mr Chair,

I speak on behalf of the New Agenda Coalition. We are particularly pleased to be speaking, now, on agenda item 3: the item on this Subsidiary Body’s agenda which is of the greatest importance to the NAC – that of the “effective measures” relating to nuclear disarmament promised us in Article VI of the Treaty.

For the New Agenda Coalition, this is the route to the restoration of the Treaty’s full credibility: we must begin the multilateral “negotiations in good faith on effective measures" relating to nuclear disarmament. We must begin the full implementation of all the Treaty’s provisions.

The Final Document of the 2010 Review Conference records the Conference’s affirmation that “all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons”.

Whatever else – as a matter of choice - States might decide to include in the framing for a world without nuclear weapons, there can be no doubt that it does have to include legally effective measures – that is, a legal instrument of some sort. Anything else would be incomplete and ineffective in meeting the requirements of Article VI. A legal framing is required to set, under international law, the rules and prohibitions necessary to achieve, for us all, a nuclear weapon-free world. Any measures not establishing legal obligations would amount to little other than yet another political declaration – a statement of aspiration (similar to many others which over the years the NPT membership has agreed upon) or of future intention. It could certainly not be an “effective measure” for nuclear disarmament.

The NAC believes that it is no longer tenable to defer an exploration of the legally-effective measures on which to base a world without nuclear weapons. The NAC invites all States to contribute to the conversation on this issue which we have initiated in WP9.

WP 9 outlines the two legally-distinct approaches which are able, as a matter of law, to implement Article VI. Accordingly, States parties have, in effect, a choice between two legally-distinct approaches. The first approach involves
the negotiation of a stand-alone agreement, whether a Comprehensive Convention or a Ban Treaty. The difference between the two agreements lies not in their architecture – they are indeed points on the same legal spectrum – but in their location along that spectrum in terms of scope and level of detail. In commencing a negotiation under this approach, States parties would need to decide between the broader and more detailed Comprehensive Convention at one end of the spectrum and the Ban Treaty towards the other, recognising that the latter could, but need not, prescribe to some extent the legal and technical arrangements needed for the achievement and maintenance of a nuclear weapon-free world.

The second approach, that of a Framework Agreement comprising mutually supporting instruments, is architecturally distinct from the Comprehensive Convention/Ban approach in that it does not aim to create a set of obligations in one stand-alone agreement. Instead it establishes obligations pursuant to a ‘Head’, or primary, Agreement supplemented by “second tier” instruments articulating more detailed rules on discrete aspects of the overall regime. States parties will need to decide in the course of the negotiation how broadly to define the scope of the Head Agreement and the “second tier” Protocols, and also what process to establish for negotiating these Protocols.

In summary, then Mr Chair, we have to choose between the negotiation of a stand-alone agreement, and the negotiation of a series - or framework - of agreements. We need to explore this choice and we need to move forward, in a body mandated to this end, with specific proposals to elaborate legally-effective measures.

Accordingly, the NAC calls for the Conference to welcome the discussions in this subsidiary body regarding “effective measures” relating to nuclear disarmament and to agree that multilateral negotiations on effective measures for the achievement and maintenance of a nuclear-weapon-free world are to be initiated without delay, and in good faith, in keeping with the spirit and purpose of General Assembly resolution 1 (I), and with Article VI of the NPT.

Our call for decisions to advance “effective measures” is given added urgency in view of the risks, and catastrophic humanitarian impact of, any nuclear weapon detonation. We owe it to all our citizens that this Review Conference now takes the decision to move forward and begin to negotiate the legally-effective measures necessary to bring us to nuclear disarmament. Thank you.