UNGA 69: First Committee
Cluster 1 (Nuclear Weapons) Statement

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Certainly there is continuing debate about exactly where nuclear weapons sit on the spectrum of risks which confront the international community. But there are indeed many of us who do see the ongoing presence on our planet of high numbers of nuclear weapons as a risk of considerable gravity – not so much on account of the inevitability of a nuclear detonation but because of the sheer horror and magnitude of its consequences.

As befits, then, an issue of such importance, New Zealand welcomes the opportunity to engage again with the UN membership as we push for progress on nuclear disarmament.

While New Zealand – like almost all of us here - bases our call to action on Article VI of the Nuclear Non-Proliferation Treaty (NPT), we recognise, as well, the specific obligation upon us all, universally, to comply with International Humanitarian Law (IHL). There are very many of us, too, who acknowledge the need to operationalise the same elemental notions of humanity which in previous decades led the international community expressly to ban the other types – both chemical and biological - of WMD.

This Committee’s meetings are one of the very few forums we have in which to push for forward movement on nuclear disarmament. Another - particularly key - one will be next year’s Review Conference of the NPT. When we come together in that context next April we would hope that progress in implementing the 2010 NPT Action Plan – most notably with regard to Action 5 on nuclear disarmament – will look considerably more positive than it does now.

At this year’s Prepcom for the Review Conference, the New Agenda Coalition, of which New Zealand is a member, put forward a Working Paper – WP 18 – outlining a set of options for the “effective measures” relating to nuclear disarmament stipulated in Article VI of the NPT. Four options are spelt out in our Working Paper: one relates to a Comprehensive Nuclear Weapons Convention; another is for a Nuclear Weapons Ban Treaty, the third is for a Framework Arrangement; and the fourth is a hybrid arrangement (i.e. something that might combine a number of the other elements, or indeed add to them).
New Zealand remains keen to continue the conversation initiated in WP 18. Accordingly, we thought it would be valuable to take stock of those four options from an international legal perspective and to explore the most significant legal aspects relevant to each pathway.

The Discussion Paper we commissioned to do this was presented at a side event here on Friday 10 October. That event also provided an opportunity for a conversation with the Paper's author, Professor Treasa Dunworth from the Law Faculty of Auckland University.

Professor Dunworth’s paper makes a number of significant points. These include the observation that pursuing any of the options covered in WP 18 would be an advance on the status quo with regard to Article VI and, equally, would be fully compatible with the object and purpose of the NPT. She concludes that a repetition of NPT obligations would not undermine but would, indeed, strengthen existing NPT legal obligations. Her Paper notes that even a narrowly drafted nuclear weapon ban would have normative impact.

I expect that this Paper will be one of the contributions New Zealand will be able to point to at next year's Review Conference to explain what “special efforts” we, for our own part, have taken "to establish" (in the words of Part I - I B iii of the NPT's 2010 Action Plan) "the necessary framework to achieve and maintain a world without nuclear weapons”.

Another we will be able to point to relates to our engagement in, and strong support for, the Initiative relating to the Humanitarian Consequences of Nuclear Weapons. The recent Oslo and Nayarit Conferences have strengthened our understanding of the catastrophic effects for human and global security of any nuclear weapon detonation – whether by accident or design – and we look forward to the Conference which will be convened by Austria this December.

Last year, New Zealand delivered in the First Committee a Joint Statement on the Humanitarian Consequences of Nuclear Weapons on behalf of 125 countries. Subsequently, by virtue of our position as Coordinator of that Joint Statement, we presented a report-back on behalf of this Group to this year's NPT Prepcom.
Again this year, New Zealand will present a Joint Statement to the First Committee on this issue. This time it is on behalf of still more countries. It conveys our Group’s deep concern at the catastrophic consequences of nuclear weapons, our view that they must never again be used, and our belief that the total elimination of nuclear weapons is in the interests of the very survival of humanity.

Transitional measures also have their place in our efforts to eliminate nuclear weapons (although I note that it often seems fully as difficult to gain traction on interim, step-by-step measures as it does on more far-reaching ones).

New Zealand, as a member of the De-alerting Group of countries, will join again in presenting to this year’s General Assembly a Resolution which calls for a lowered operational readiness for nuclear weapons. Lowering the launch status of nuclear weapons is a step that can reduce the risk of an accidental or miscalculated launch. It would signal, as well, an intention more generally to make progress on Article VI of the NPT by reducing the role and salience of nuclear weapons in national security strategies.

We hope that our Resolution will help persuade the Nuclear Weapon States to move off the alert levels which they set for their weapons in the very different geo-strategic circumstances of the Cold War. At a time now when the international community’s expectations for progress on nuclear disarmament are so much higher than they were during that period, we are confident that this year our Resolution will attract even wider support.