"United Nations conference to negotiate a legally-binding instrument to prohibit nuclear weapons, leading towards their total elimination Topic 1: Principles and objectives and preambular elements"

Statement by Austria

delivered by

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New York, 28 March 2017

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Madam Chair,

Thank you. As this is the first time I take the floor, let me congratulate you upon your election as president of these negotiations. I assure you of the full support of the Austrian delegation throughout this conference. You have already displayed your leadership during the consultations enabling us to adopt the rules of procedure yesterday without a vote. For the record, I want to note that the decision on full participation with voting rights does not indicate any change in our national position.

Let me offer at this stage a few remarks on our general idea of the treaty under consideration, in addition to what we already said during the high level segment, as well as make some suggestions on possible elements which, from the Austrian point of view, could be reflected in the preamble.

Austria firmly supports the nuclear non-proliferation treaty (NPT) as the present and future cornerstone of the international nuclear non-proliferation and disarmament regime. The new treaty will not only be fully compatible with the NPT, but also complementary. Specifically, by contributing to the implementation of article VI, the new treaty will strengthen the NPT. The prohibition treaty should therefore contain a strong cross reference to the NPT.

In our view, the new treaty is best conceived as a first step in a more comprehensive process leading to the establishment and maintenance of a nuclear weapon free world. Looking at other indiscriminate and inhumane weapons such as biological weapons, chemical weapons, antipersonnel mines and cluster munitions, each time a legal prohibition stood at the beginning of successful disarmament. The new treaty will
reinforce existing efforts to make progress in other areas related to nuclear disarmament, such as entry into force of the Comprehensive Test Ban Treaty, or start of negotiations on a fissile material cut-off treaty.

The new legally binding instrument shall build upon existing nuclear disarmament and non-proliferation instruments and should be stringently embedded in this framework. The relationship between the new treaty with the NPT and other existing instruments means that in our negotiations we do not have to reinvent the wheel. Rather than duplicating what is already laid down somewhere else, we should aim for a lean treaty, focusing on elements which represent an added value as compared to existing norms, and which can realistically be negotiated among the States represented, in the available timeframe. In our view, it seems e.g. not necessary to engage in lengthy discussions about definitions. After all, there are no definitions in other key nuclear disarmament and non-proliferation treaties above all in the NPT, presumably as the meaning of the key terms was quite obvious to the drafters, as it is also today.

We suggest to pay particular attention to the scope of the prohibitions. I will come back to this issue later during the week when we are going to discuss this particular set of questions.

As to the preamble, Austria suggests that many elements from the preamble of resolution 71/258 could meaningfully be taken up also in the prohibition treaty, as well as some additional elements introduced. Thus the **preamble** should focus on the following key elements:

- the objective of achieving and maintaining a **nuclear weapon free world**, to which the prohibition treaty would make an important contribution, and the necessity of additional measures both practical and legally binding for the irreversible, verifiable and transparent destruction of nuclear weapons;

- the need for a prohibition is firmly rooted in the globally recognized concern about the catastrophic **humanitarian consequences** of, and risks related to the mere existence of nuclear weapons. The concern at the humanitarian consequences is the key driving factor to finally move forward in nuclear disarmament and should thus be strongly reflected as guiding principle of the treaty;
- the findings and conclusions of the fact-based discussions at the **Humanitarian Impact of Nuclear Weapons conferences** in Oslo, Nayarit and Vienna, including that impact of a nuclear weapon detonation, irrespective of the cause, would not be constrained by national borders and could have regional and even global consequences, causing destruction, death and displacement as well as profound and long-term damage to the environment, climate, human health and well-being, socioeconomic development, social order and could even threaten the survival of humankind;

- the elements of the **Humanitarian Pledge** such as that all states share the responsibility to prevent any use of nuclear weapons, to follow the imperative of human security for all and to promote the protection of civilians against risks stemming from nuclear weapons, which was supported by more than 125 countries;

- the mentioning of the human suffering of the victims of nuclear weapon explosions and the need for assistance which was underlined yesterday by a hibakusha;

- the relevant provisions of the **UN charter**, in particular its principles and objectives, including the promotion of international peace and security and the role of collective measures to that end;

- other relevant UN documents such as landmark UNGA resolutions, the Declaration of the Tenth Special Session of the UNGA devoted to disarmament, the Millennium Declaration, and the report of the open ended working group;

- the relevant aspects of **International Humanitarian Law**, as reflected in **Customary International Law**, in particular the fundamental principle of distinction between combatants and civilians and the corresponding prohibition of weapons which are by nature indiscriminate as well as those of a nature to cause superfluous injury or unnecessary suffering;

- the role and function of the **Conference on Disarmament** and the **Disarmament Commission**, and concern about the twenty-year long lack of concrete outcomes of multilateral nuclear disarmament negotiations;
- the principle that nothing in the treaty derogates obligations from other treaties;

- the NPT as the cornerstone of the international nuclear non-proliferation and disarmament regime, the documents and decisions adopted at the NPT review conferences of 1995, 2000 and 2010, and the urgency to better implement Article VI of the NPT;

- other relevant international law, such as the treaties establishing nuclear weapon free zones;

- the urgency to bring the CTBT into force;

- an acknowledgement of the contribution of the United Nations and other international organisations such as the ICRC, civil society and academia to taking forward multilateral disarmament

- the increased urgency for more political attention to nuclear disarmament in view of the current international climate;

- the necessity for further concrete steps to be taken in order to achieve a world without nuclear weapons.

Of course, this is not an exhaustive list and Austria is open to consider additional elements proposed by other participants. But these are some elements which from our point of view might deserve particular consideration.

Thank you Madam Chair.