



**Statement by H.E. Dell Higgle
Ambassador for Disarmament**

**UN Conference to Negotiate a
Nuclear Prohibition Treaty**

Core prohibitions

29 March 2017

Madam President,

New Zealand is pleased now to join the discussion on the second topic you have set for our meeting this week: an exploration of the *core prohibitions* - effective legal measures, legal provisions and norms – which will form part of the treaty to be adopted pursuant to Resolution 71/258.

The first point I would wish to make, Madam President, is indeed one which New Zealand has made on a number of occasions previously when speaking on this issue - this is that our new treaty to prohibit nuclear weapons can in no way, as a matter of international law, undermine the NPT. Indeed, the prohibitions in our new treaty will serve to complement the fundamental obligations we have assumed under the NPT and to *reinforce* them.

In some cases this is simply on the basis of the repetition - and reaffirmation - in the new treaty of obligations *already* assumed by non-Nuclear Weapon States under the NPT, and in other cases this will be pursuant to the new treaty's making *explicit* a number of prohibitions on us which were, in fact, left *implicit* in the NPT. Their explicit inclusion in our new instrument will serve not only to complement but to strengthen and reinforce a number of the obligations relating to non-proliferation in the NPT.

Secondly, it is imperative that our new instrument be clear as to its meaning and comprehensive in its scope. We must not, by the omission of any key nuclear weapon development-related activities, seem to create any ambiguity or leave open any possible gap in its coverage. This is certainly important as a matter of law – but equally, both in practical as well as presentational terms, we would not wish to send a signal that there might be any loophole in our range of prohibited activities.

In our view, then, this means that we must be explicit in foreclosing the legal possibility of testing, possession, use, transfer and stationing of nuclear weapons. Additional prohibited activities should mirror the full range (including development, acquisition, production etc) typically found in prohibition-related treaties.

We must include as well, of course, an explicit prohibition on the ancillary *assistance*-related activities (including encouragement and inducement in any way) which are also a usual feature of these types of treaties. (In New Zealand's case, our domestic legislation - our Nuclear Free Zone, Disarmament, and Arms Control Act – prohibits activities which '*aid, abet or procure*' the primary nuclear weapon-related prohibitions.)

We will be interested in hearing the views of colleagues here as to whether a prohibition on direct investment in nuclear weapon production should be explicitly included within our treaty, for instance as part of the prohibition on assistance-related activities.

Madam President, New Zealand will subsequently have more detailed comments to make regarding the span of the prohibitions to be included in the treaty – including as we develop the specific drafting of the text. For now, we are particularly interested in listening to the views of colleagues as to whether adherence by nuclear weapon possessors should be facilitated within the framing of our present treaty (for instance by including within its terms the ability of a state with nuclear weapons to adhere to the treaty on the basis, *inter alia*, of an undertaking to destroy its weapons e.g. within a given timeframe) or whether this should be achieved only via the negotiation of a separate and specific regime.