



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

**Open-Ended Working Group on
Taking Forward Multilateral Nuclear
Disarmament Negotiations**

3 May 2016

Thank you Mr Chair. At the outset I would like to thank Ambassador de Klerk for his presentation and take this opportunity to share a comment and a question.

I understand Ambassador de Klerk to have referred to concerns that a multilateral verification regime for nuclear disarmament might actually compromise the NPT. I understood the suggestion to be that the involvement of personnel from Non-NWS in an inspection team (pursuant to the new verification regime) could result in NWS breaching their Art I obligation not “in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons ...”.

Ambassador de Klerk seemed also to suggest that inspectors from Non-NWS could risk breaching their NPT Article II obligations not to seek or receive “any assistance in the manufacture of nuclear weapons or other nuclear explosive devices”.

These concerns were indeed addressed – and, we had hoped, put to rest – in a paper on the international legal issues relevant to the relationship between the NPT and a new instrument on nuclear disarmament and which was circulated by New Zealand at the UNGA First Committee last year. It makes the point that providing access to nuclear weapons, facilities, stockpiles or components for an international inspectorate for

the purposes of verifying nuclear disarmament cannot by itself constitute “assisting, encouraging or inducing” the manufacture or acquisition of nuclear weapons on the part of a non-nuclear-weapon state.

To suggest otherwise would in effect be erecting the NPT as in itself a barrier to further nuclear disarmament – and clearly this was never its intention. The Art I prohibition must therefore be read with the expectation in mind that it was always envisaged that the NPT would ultimately need to be amplified by some future international control system involved in the disarmament process.

The legal point is perhaps most simply conveyed by using the analogy of the Chemical Weapons Convention. It contains similar prohibitions to the NPT’s and yet I am not aware of any suggestion in that context that the international inspectorate created by that Treaty, and housed within its implementing body, represents a chemical weapons proliferation risk.

In thanking Ambassador de Klerk for his very interesting presentation, then, we are pleased to take advantage of this opportunity to convey the point that there is no need, as a matter of IL, to worry about the compatibility of the involvement of nationals from non-NWS in an international inspection regime for nuclear disarmament.

More generally, we do acknowledge that much work remains to be done to develop a verification system fully appropriate for nuclear disarmament. It is indeed fortunate that we are able to draw, *inter alia*, on the experience of the Trilateral Initiative, the OPCW, and new initiatives including, of course, the International Partnership for Nuclear Disarmament Verification.

Whilst welcoming this useful discussion today about verification and transparency, we would be a little concerned, however, if it takes place divorced too much from the reality we all face outside of this room - and most specifically in the context of the NPT. As we all found at last year’s NPT RevCon, there was, transparently, very little appetite on the part of the NWS for a renewal even of the elements of transparency and reporting that had been agreed upon at the 2010 RevCon. This same reluctance

about transparency does seem also apparent on the part of host states with respect to holdings on their territories.

So we worry that those calling for recommendations, and an outcome, from this body focused primarily on transparency and reporting would mean that we would find ourselves simply repeating a call that many of us here have been making now for a considerable time. Perhaps Ambassador de Klerk is of the view that the prospects of success for such a call are now better?

In conclusion, may I thank our Panellist again for his interesting presentation.