



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

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

**Principles and Objectives
and Preambular Elements**

28 March 2017

Madam President,

Thank you for the opportunity to comment today on the first topic which you have set for this week's discussions: that of the principles and objectives, and the preambular elements for the treaty to be adopted pursuant to Resolution 71/258.

In terms of the object and purpose of our treaty, my Delegation believes that this is fairly straightforward in that it has effectively already been determined for us via the terms of the mandate which Resolution 71/258 has put in place: it is to adopt a globally-applicable prohibition against nuclear weapons. Again, on the basis of that mandate, this is envisaged as a first step in a process aimed ultimately at resulting in the total elimination of nuclear weapons. This latter aspect of our mandate could either be *explicitly* reflected in the text or made apparent through the treaty's framing – i.e. through its acknowledgement of the prospect that additional elements may, over time, be grafted on.

The Preamble, like the preamble for each and every international treaty, should set the broad context for the actual text of the treaty which follows it. It should register, then, *where we have come from and where we are going*.

Looking backwards

Accordingly, we can be confident that our Preamble will reference the international community's long-standing efforts to rid the world of nuclear weapons (beginning from the UN's very first resolution in 1946), as well as key moments in that long quest (such as the First Special Session on Disarmament or the adoption of the CTBT) and the entry-into-force, over time, of a significant number of Nuclear Weapon-Free Zone Treaties. Most essentially, the adoption (and extension in 1995) of the NPT must be featured. The preambular paragraphs on the NPT should recall our non-proliferation obligations and highlight the importance of the disarmament undertaking in Article VI – as well as of the unequivocal undertakings to disarm given by the Nuclear Weapon States in 2000 and 2010.

We can expect that the Preamble will refer to the ICJ's 1996 Advisory Opinion (probably recording the more significant of its unanimous views – notably, the Court's conclusion that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects"; and, secondly, that the rules of IHL *do* apply to nuclear weapons).

International Humanitarian Law and the key conclusion at the 2010 NPT RevCon (regarding the obligation on all States to comply with IHL at all times) should certainly be a key focus of the Preamble. Humanitarian factors, more broadly – such as is exemplified by the Initiative on the Humanitarian Consequences of Nuclear Weapons – must be logged as well.

Looking forwards

As regards the *destination* being set in the Protocol – where it is that we see ourselves going – we should make our end-goal clear: we regard the proscription of nuclear weapons as a first, and decisive, step toward their elimination. But we expect that it will be necessary, for example as regards verification, to graft on additional elements over time as we move further down the pathway to elimination.

To some extent, then, our treaty will need to be capable of acting as a framework – in effect, as a head agreement – onto which subsequent

legal elements can be grafted. We are *not* suggesting that this is an infrequent occurrence in international standard-setting processes: indeed it is not. We are simply suggesting, as I mentioned at the outset, that the prospect of follow-on measures, or instruments, might usefully be foreshadowed, for instance, in the Preamble.

We must also make apparent our intention to clarify and to develop the rules of IHL as they apply to nuclear weapons. We should make it clear that underlying our prohibition of these weapons is our strong view that usage of these weapons is incompatible with the precepts of IHL.

Above all, Madam President, our Preamble must make it clear that our motivation in putting in place the treaty mandated by UNGA 71/258 reflects our strongly-held view that we are acting in the genuine security interests of all our peoples.