Vienna Conference
on the Humanitarian Impacts of Nuclear Weapons
New Zealand statement

H.E. Dell Higgie
Ambassador for Disarmament

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The New Zealand Government is very grateful to Austria for hosting this important gathering and carrying forward the sequence of discussions first begun at Oslo in March last year and resumed earlier this year in Nayarit, Mexico. We are pleased also to welcome here in Vienna some significant newcomers to our discussions.

Nuclear testing

A number of the key issues being addressed at this Conference have real resonance for New Zealand. I am thinking above all of New Zealand’s long history, and that of our region, in opposing nuclear testing and I recall our region’s experience in utilising a broad spectrum of avenues in our efforts to have those tests declared unlawful and to close testing down in our part of the world.

With support from others in our region, New Zealand took its concerns to the highest international tribunal – the International Court of Justice - both in the 1970s and then again in the 1990s. In the 1990s, we supported, as well, the giving of an Advisory Opinion by the ICJ on the legality of nuclear weapons.

As a region, we moved forward with rule-making, including prohibiting testing in our part of the world, by putting in place a nuclear weapons-free zone (via the Treaty of Rarotonga) in 1985.
Risk

Some of the submissions we made to the ICJ reflected our *certainty* about the risks that flow from nuclear weapons and from their testing. But on some aspects of risk we argued also on a precautionary basis – in effect asserting that something *not* apparently safe enough to be carried out in, say, Paris must ultimately also prove unsafe in the environment and ecology of the Pacific, let alone to the health and well-being of our peoples.

Today and yesterday, we have heard moving testimony about the extent of the actual long-term harm suffered by some of our neighbours from this testing.

As governments, we cannot eliminate all the risks that arise to ourselves and our citizens from natural disasters like earthquakes or tsunamis. But you *would* think that we could all act together to forestall the man-made risks – and they are very grave ones – that arise from nuclear weapons.

*International Law*

This morning's panel session has presented us with a 'bird's-eye view' of some key aspects of international law applicable to nuclear weapons – most notably international humanitarian law as well as environmental and health law.

When New Zealand submitted our views to the ICJ in the context of its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, we observed that there had indeed been a "progressive development of the international law relating to nuclear weapons since their inception". And we said that we regarded "this progressive development as reflecting an acknowledgement by all States that nuclear weapons, like other weapons of mass destruction, pose a particular risk to humanity, and that a special regime and special norms should apply to them".

We said that in 1995. In 1995 it was our expectation that a special – a specific – regime would soon be put in place for nuclear – as for all other mass destruction – weapons.
The question we could justifiably ask today is whether the steady “progressive development of international law” which we were able to discern 20 years ago has in fact kept pace both with our citizens’ expectations of us – and with our own obligations as governments not to subject our citizens to serious, but needless, risk.

*What now?*

There are some who continue to argue that now is *still* not the time to move forward on a special regime for the abolition of nuclear weapons. They say that any such move fails – just like the ‘humanitarian consequences’ approach at the heart of this very Conference – to take account of the “security dimension” to nuclear weapons.

What exactly does ‘taking account of the security dimension’ of nuclear weapons really mean?

Is it meant to suggest that for the foreseeable future there can be no further move toward a special regime that would abolish nuclear weapons? This must suggest, then, that somehow Article VI of the Nuclear Non-Proliferation Treaty also got it wrong – having equally failed to take account of the security dimension of nuclear weapons?

I can do no better than repeat the words of NZ’s Attorney-General, Hon Paul East QC, who said to the ICJ in 1995 that: “If ever used, (nuclear weapons) would most likely ensure the destruction, not the maintenance of the security, of the user... The threat that these weapons represent hangs over the security of the whole international order.”

The promise of “effective measures” – the special regime to abolish nuclear weapons – in Article VI of the NPT continues to mean something very fundamental to most, if not all, of the non-nuclear States who signed on to that Treaty. It is time for those who have asserted that any such special regime is not compatible with their security needs to think more urgently about how it is that they can contribute to the evolution of positive international norms on this issue – and what it is that they must now do to make good on Article VI.