

Article36

United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination

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Delivered by Elizabeth Minor, Article 36

Thank you President

The testimony given by survivors of nuclear detonations to this conference has emphasised why this treaty to categorically prohibit nuclear weapons must be negotiated: the horrific and devastating impacts of nuclear weapons on people and places renders the possession of these weapons fundamentally unacceptable.

The treaty should reflect and build on previous instruments that address the humanitarian impact of weapons systems whose effects have also been deemed unacceptable by the international community.

It should at least include clear prohibitions on the use, development including testing, production, acquisition, stockpiling, retention and transfer of nuclear weapons. It should also include prohibitions on the assistance, financing, encouragement or inducement of prohibited acts. Using the language of established weapon prohibition treaties as a basis will help to make the terms of the treaty hard to criticise for any who choose at first to stand outside it.

The treaty should not allow states parties to continue in arrangements whereby nuclear weapons are maintained on their territory, or agreements for the use of nuclear weapons on states parties' behalf.

It is also key that the treaty includes a clear obligation to complete the destruction of any stockpiled nuclear weapons as soon as possible, safely and in an environmentally appropriate manner. The treaty need not specify the details of this process, but it should provide a clear framework under which any state with nuclear weapons, upon accession to the treaty, would come under an obligation to destroy their entire stockpile as soon as possible and according to a time-bound plan. This would reflect the form of previous treaties that prohibit unacceptable weapons and seek to move towards the destruction of stockpiles.

The treaty should also include other, positive obligations requiring actions from states parties.

The treaty should address human and environmental harms caused by nuclear weapons in its operative section. This is fundamentally important to

the principles on which the treaty is based, and to responding to the humanitarian imperative that informs it. The rights of victims of nuclear weapons have not yet been adequately addressed.

Obligations on states parties for the remediation of environments contaminated by the use of nuclear weapons, including in testing, and the provision of assistance to victims under states' parties jurisdictions, should be included in the treaty. This would affirm the obligations of states to uphold and ensure the realisation of the rights of their citizens and all those living in their territories.

International cooperation and assistance provisions in the treaty, obliging all those in a position to do so to provide support that may include technical, material, or financial assistance, can help states parties to realise these obligations.

As well as being essential given the core principles that inform this initiative, it is also vital that positive obligations are included in the treaty to prohibit nuclear weapons in order to not take a step back in the law of weapons prohibitions. Such provisions have been successfully included in previous treaties, and progressively developed. These norms must be upheld, and these experiences can inform the formulation of this treaty's provisions.

Article 36 has submitted a working paper to this conference, A/CONF.229/2017/NGO/WP.10, which addresses these issues in more depth.

Thank you President.