

**Women's International League for Peace and Freedom (WILPF)
Statement to the UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their elimination, Topic 2**

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Thank you Madame/Mr. President,

Thank you for this opportunity to address this conference. WILPF has prepared a paper on principles, prohibitions, and positive obligations of a treaty banning nuclear weapons. After listening closely to interventions from delegations this morning, I would like to comment on a few of the prohibitions and positive obligations.

Prohibitions

In order to be effective as a prohibition treaty that leads to the elimination of nuclear weapons, the core prohibitions the treaty should be as clear and comprehensive as possible. It should draw upon other treaties prohibiting weapons but also needs to be mindful of the existing rules governing nuclear weapons, as well as specific and unique aspects of their development and deployment and of the urgent need to challenge their current place in “security” architecture, policies, and practices.

From our perspective, the treaty should prohibit stockpiling; use and threat of use, and planning for use; deployment; transfer, acquisition, and stationing; development and production; testing; transit and transshipment; and financing, assistance, encouragement, and inducement.

I would like to elaborate on just a few of these:

The ban treaty must prohibit the stockpiling of nuclear weapons.

The most fundamental element of the prohibition treaty is perhaps that no state can join the treaty and possess nuclear weapons. The ban treaty itself does not need to set out provisions for elimination. It would only need to require that any state joining the treaty eliminate its nuclear weapons. The Chemical Weapons Convention, for example, specifies that states parties must “undertake to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control.” The provisions for the disarmament process, including time frames and verification measures, could be negotiated when a nuclear-armed state renounces its nuclear weapons and accedes to the treaty.

The ban treaty should prohibit the use and threat of use of nuclear weapons.

Threat of use is included in the NWFZ treaties. Other treaties banning specific weapons may not include threat of use, but it is a necessary element in a nuclear weapon ban treaty because the entire concept of nuclear “deterrence” relies on the threat of use—and on preparedness for such use. No state party to the ban treaty should be able to maintain a security policy that includes the threat of use of nuclear weapons.

The treaty should prohibit the testing of nuclear weapons.

The CTBT prohibits testing of nuclear weapons by explosive means, but not subcritical testing, computer modeling, or hydrodynamic trials. The nuclear weapon ban treaty should explicitly prohibit testing to reinforce and strengthen the norm created by the CTBT against nuclear weapon testing, to tighten the restrictions against all possible forms of testing, and to encourage states to uphold their current moratoriums against testing and/or to inspire new such moratoriums. The issue of whether testing could be considered covered by development needs to be examined, as some nuclear-armed states categorise it separately in their national strategies

The treaty should prohibit financing of nuclear weapons.

The intervention from PAX thoroughly covered this issue, but I also just wanted to note that there is already an obligation on non-state actors not to finance any WMD activities under UN Security Council resolution 1540. A ban treaty could adopt this language and expand it to cover any such activities undertaken by states as well as non-state actors.

A prohibition on assistance with prohibited acts should explicitly include a prohibition on any form of financial or material support to public and private enterprises involved in any of the activities prohibited by the treaty. The economic impacts on the nuclear weapon complex from such a prohibition would be significant.

The ban treaty should prohibit the transit and transshipment of nuclear weapons through the territories of state parties.

On the basis of national security and public safety—and as a matter of principle—the ban treaty should prohibit the stationing or transit or transshipment of nuclear weapons in states parties' territory, including in their airspace and territorial waters, or from allowing visits to their ports by foreign ships carrying nuclear weapons or visits to their airfields by foreign aircraft carrying nuclear weapons.

Any accident involving transiting nuclear weapons could have sudden and devastating consequences for local populations. Furthermore, if a transit or visitation occurs during a period of hostilities between nuclear-armed states, allowing transits could result in non-nuclear-armed states being targeted with nuclear weapons.

Positive obligations

The treaty should also include positive obligations.

It should recognise that victims and survivors of the use and testing of nuclear weapons have rights, as articulated in the development of international human rights law and other instruments prohibiting inhumane weapons, such as the treaties banning cluster munitions and antipersonnel landmines. **The ban treaty should also recognise the rights of whistleblowers.**

The ban treaty should reflect the need to rehabilitate territories that have been contaminated as a result of activities related to the use, development, testing, production, transit, transshipment, or storage of nuclear weapons in their territory.

The ban treaty should reflect an obligation to inform the public about the risks of nuclear weapons.

As a closing note, I would like speak to the transformative potential of this treaty. This is our chance to change the way nuclear weapons are treated—legally, politically, socially, and economically. We in civil society look forward to working with you to develop the strongest possible prohibition treaty.

Thank you.