



**UN Conference on a legally-binding instrument to prohibit nuclear weapons,
leading towards their total elimination**

Second Session, New York, 15 June – 7 July 2017

First Reading of Draft Convention

Statements by Ireland on:

Article 1

Articles 2-5

Articles 6, 8 & 9

Article 7

Articles 14, 18 & 19.

Article 1

Madam President,

Under this heading you have invited us to indicate our views on Article 1 of your draft text. Overall, my Delegation is very pleased with the draft of this Article, which we see as the core of this new instrument.

We welcome each of the prohibitions which you have set out. We like that the Article closely follows the model of other weapons prohibition instruments.

We can see that you and your team have strived to reflect the majority view which emerged in the room during our very productive discussions here in March. We appreciate these efforts at balance and also the clarity of this Article. My delegation has therefore a small number of points to make on this Article. We hope these suggestions are helpful to you and your team and I reiterate that my Delegation is ready at all times to support you in your work to ensure a successful outcome.

Chapeau

Even though the first line of Article 1 currently includes the words “under any circumstances”, it might be useful to add the words “at any time” here, to send a strong signal that these undertakings apply at all times, even during times of war or conflict. I am thinking here in particular of the prohibitions at 1b and 1c.

Para 1(e)

We welcome 1e (and 2b) and we note the helpful use of language taken from the CTBT. We are content with this reference and would not seek any elaboration of it. We understand that computer and subcritical testing can be comprehended within the prohibition on Development.

Para 1(f)

We are not at this time seeking a further elaboration of this Article, having listened carefully to delegates on the potential complexity here and in the interests of making progress. We reserve the right to interpret this nationally, as part of our own implementation measures, and we will be studying the issue of Financing as a component of Assistance in this context.

Statement by Ireland on Article 2

Madam President,

As we all know, the mandate for this new instrument is to prohibit nuclear weapons, leading to their total elimination. Therefore, as you have said in your introduction of this first draft, the text needs to address this element.

However, as I think you and all of us have acknowledged, the core of this instrument is its clear and unambiguous legal prohibitions. It is worth reminding ourselves of this and of how and why we came to choose to move forward with a prohibition instrument in the first place.

It is not the mandate of this Conference, nor is it feasible in the time available, nor is it in fact necessary, to negotiate detailed arrangements for the elimination of nuclear weapons now. "Leading to" rather suggests a signpost in the direction of elimination. In this context, it is important to ensure that the door is left open for those who currently possess nuclear weapons and who in the future may wish to be a party to this Convention.

What we should aim for is an inclusive instrument that will serve as an effective measure to accomplish the total elimination of all nuclear weapons and other nuclear explosive devices. Therefore we suggest the following accession formula which would underline the intended universal nature of the Convention while safeguarding its object and purpose:

It should indicate that the Convention will be open for signature to all States. A State having expressed the intention to join the Convention should submit to the UN SG a declaration confirming that it has not manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001, whereupon they may proceed to ratification or accession.

States not in a position to submit such a declaration may still express their intention to join the Convention at any time. A Meeting of States Parties (regular or Extraordinary) would then begin the process of negotiating the terms and conditions of their Accession. These might take the form of an additional protocol (which could be provided for under Article 11), to address the transparent, verifiable and irreversible elimination of their nuclear weapons programmes and arsenals.

It is tempting to set out those pathways and to envisage how they might work. But it is not necessary. Once we even try to begin delineating these terms and the various potential pathways, as has been attempted with only the best of intentions in the first draft, we can see how we very quickly enter challenging and complex technical issues, which can take us off course and, which, in this present time and circumstance, we actually have no need to deliberate or agree.

Those States that possess nuclear weapons have decided not to participate in this Conference. There is no need for us to negotiate or to draft text here on their behalf. We cannot see into the future, we can only allow for it. As long as we do nothing to prevent them from acceding in the future, then we will serve our mandate here in the present and we will be in a position to move swiftly to establish the prohibition, which is our primary goal.

In addition, it is of critical importance that in terms of Safeguards, all States Parties to this Convention should be required to maintain the obligations that they already have in force, including on safeguards, monitoring and verification, without prejudice to any higher level of standards that may be adopted in the future. This would ensure that we have a strong and credible instrument that creates no loopholes, as you have rightly identified as a key guiding principle for our work here.

Thank you, Madam President.

Article 6

Intervention by Ireland on Victim Assistance, Environmental Remediation and Cooperation and Assistance

Thank You Madam President,

I wish to address the related issues of Victim Assistance, Environmental Remediation and Cooperation and Assistance. Like others who have spoken, Ireland is strongly supportive of the inclusion of these provisions and we also welcome the references in the preamble of the draft Convention. We particularly applaud the reference to the Hibakusha whose testimony has formed such an inspiration for our work. The key role of survivors in the journey to prohibit nuclear weapons is one to which Ireland gives great importance, and we have been privileged to hear such living witness again here this week.

I will address Article 6 in the first instance but wish to clarify that the changes which we would like to propose for Article 6 are closely interlinked with Article 8 on Assistance and thus will need to be seen as a whole. However, I will concentrate here on the provisions of Article 6 and come to Article 8 when we reach that point.

It is Ireland's view that provisions on Victim Assistance have been an integral part of recent weapons related Treaties and that the provisions contained in the Ottawa Convention, in Protocol V of the CCW on Unexploded Remnants of War, and particularly, in the Convention on Cluster Munitions, represent current best practice in international humanitarian law with respect to ensuring and promoting the rights of victims. It is our view that our Convention should honour the victims of nuclear testing and nuclear violence also, and that the provisions of the text should be in line with best practice as instanced in these most recent instruments.

Ireland would therefore agree with the proposals of the ICRC with regard to Article 6.1 and we would propose that the phrase **“in a position to do so” should be removed.**

We note that the current draft is modelled on Article 5 of the CCM, which is currently the standard bearer on VA in international treaties. However, the phrase “in a position to do so”, is not included in CCM and we suggest should not be included here either.

Environmental impacts from nuclear weapons are also extremely important and as we saw recently were a feature of the Oceans Conference where a number of states raised contamination from nuclear testing and continuing environmental effects.

With regard to Article 6.2 we would also propose following the ICRC recommendation that this article should be adapted as follows:

Insert after, “nuclear and other explosive devices”, shall **take necessary and appropriate measures towards the environmental remediation of areas so contaminated.**

Madam President It will be very important that these positive obligations should be then complemented by robust cooperation and assistance provisions. This is particularly the case given the devastating and unique nature of any nuclear weapons detonation. We will clarify the amendments we are proposing to Article 8 when we reach that Article.

Finally, Madam President, I wish to acknowledge here the very useful and thoughtful proposals and papers which have been made on these questions by civil society. We see merit in many of the proposals made however we are also conscious of the need for our Convention to focus on core elements as we mentioned yesterday in the discussion on the Preamble. Therefore, we would suggest perhaps referring some of the more detailed provisions in this area to future meetings of State’s parties to discuss and develop. The important and challenging questions which arise with regard to these provisions could be looked at as matters which the MSPS could usefully be charged with and we will make a proposal to this effect when we come to consider Article 9 of the draft Convention.

As part of our commitment to further discussion and exploration of these important issues, Ireland is pleased to co-sponsor a side event here tomorrow at lunchtime on positive obligations which we encourage colleagues to attend. (The event will take place at 1.15pm in Conference Room B).

We would be happy to provide all our drafting suggestions on Articles 6, 8 and 9 in writing.

Thank You.

Intervention on Article 7: National Implementation

First Reading

Thank you, Madam Vice-President.

I wish to address Article 7, and my delegation will take the floor later on Articles 8-10.

National implementation lies at the heart of every legally binding instrument. As we and many others have been saying from the outset, our aim is to achieve a simple, straightforward, strong and implementable Convention that will have much more than a declaratory or symbolic meaning –we want an instrument that will make a real difference on the ground.

We know this will take time, concerted efforts and firm determination, and it will start by making sure that every provision we negotiate and agree on at this Conference will be implementable without causing unreasonable practical or legal difficulties. What we also need to ensure is that the Convention's national implementation provisions are clear, unambiguous and create no loopholes allowing for a State Party to circumvent the obligations established by this Convention in a manner incompatible with its spirit, object and purpose.

On Article 7 my delegation would like to make the following remarks, some of which will also touch upon Article 1:

In para 1, we believe that the phrase “in accordance with its constitutional processes” could be deleted, as it is commonly understood and accepted.

Para 2 is the core of national implementation. This para follows the example of the APLC and the CCM. However, as has been noted by several delegations, there is some overlap with para 2 of Article 1 which currently stipulates the obligations to prohibit and prevent stationing, installation, deployment and testing of nuclear weapons and other nuclear explosive devices.

My delegation agrees that a streamlining of these provisions would add clarity to the text of the Convention. This could be achieved by moving “stationing, installation and deployment” under para 1, as has been suggested by some delegations. Subpara 2(b) could then be deleted, as it would be covered by para 2 of Article 7. In this latter paragraph my delegation further suggests the addition of the word “prohibit” before “prevent and suppress”.

Lastly, we suggest a change in the order of the paras, so that para 2 would come first (implementation of the core prohibitions), and para 1 second (implementation of other aspects of the Convention). Para 1 could then be slightly amended as follows: “Each State Party shall adopt all other measures necessary to implement its obligations under this Convention”.

These amendments aim at addressing the issue of national implementation in a comprehensive manner in one article only (Article 7), while ensuring there are no legal gaps with regard to the core prohibitions.

We thank New Zealand and Egypt for their constructive proposals, which we will carefully consider.

Thank you, Madam Vice-President.

Read-through of the draft: Cluster 6

(Final provisions: Articles 11 to 21)

Article 11

We welcome the careful and thoughtful attention given already to Article 11 by New Zealand, Malaysia, Brazil and others in their interventions. My delegation believes that we need to exercise care and caution regarding the provisions relating to Amendments.

Therefore, the current draft provision for a two thirds majority of those present and voting to agree amendments may be too low a threshold. We welcome the suggestion made by Malaysia (2/3 of all SPs) and suggest another option would be to insert a **three quarters** majority here, which is unusual but may be warranted in this case.

We note that there is no specific reference here to the treatment of any additional protocols or other instruments which may be required. We would propose a new para that “the present Convention may be complemented by Additional Protocols or other instruments necessary for its universalisation or implementation or otherwise related to its object and purpose, as decided by the MSP or Review Conference.”

Article 14

We support the proposal by Liechtenstein that “the convention will be open for signature indefinitely”.

NEW Article on Accession

Depending on developments in the revision of Articles 2-5, a new Article on Accession may be necessary and my Delegation reserves the right to return to this point.

Article 18

My Delegation would have a preference to see Withdrawal being made much harder and very much as a last resort. We would like to propose a 12 month period as also mentioned by Liechtenstein.

To further strengthen this provision we would suggest that “States Parties should address the notice of withdrawal with the issuing State as a matter of urgency, with the aim of trying to resolve the concerns raised before the formal withdrawal process is triggered.”

We would suggest an additional provision that “the withdrawal should not violate the UN Charter and its objectives of peace and security.”

Article 19

This article and the relationship between this convention and the NPT and other instruments is of great importance to my Delegation.

We thank you for the new drafting suggestion you have given us today.

We also welcome the interesting proposals on this issue from the floor, which we will study carefully, in particular those from Malaysia and New Zealand, supported by Brazil and others, which we find very helpful.

