

**General Exchange of Views
Core Prohibitions
Intervention by Ireland**

**Delivered by
Ms Helena Nolan, Director of Disarmament and Non-Proliferation
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Thank you Madam President,

I do not propose to speak at length as I believe that many of the points I wish to make in this segment have been well covered by other delegations here this morning. You have invited us to discuss core prohibition in this session. My Delegation will speak later on other issues.

General

As my delegation has stressed in our interventions so far, we are working here on the production of a credible legal instrument. It must be feasible to implement and to ensure compliance. We believe that we should follow the existing models we have available to us from other weapons prohibitions treaties as much as possible, especially those other instruments prohibiting other WMD, and that there is no need to re-invent the wheel. We are talking here about a weapon and it is high time to treat it as such in law. And, as we have already said, we should focus on the weapon and not the actor.

We have heard and agree with the idea of a lean but robust treaty.

Specific Prohibitions

In terms of specific core prohibitions, let me preface my proposals by clarifying that these are just that, our proposals, and that we continue to consult and review within our own system, on this very important issue as I believe many of us will do after this initial week. We are also here to listen carefully to the proposals and ideas raised by other delegations and to absorb and learn from the advice and expertise available to us from the range of experts here, the working papers which have been submitted, as well as your own guidance to us as President.

That said, at this point based on our mandate from the Resolution and on the examples from other weapons treaties, we would wish to see prohibitions on the following:

Possession, Use, development, production, acquisition, stockpiling, retention and transfer.

Testing

Our understanding is that “development” could also encompass “testing” and that this would include computer simulated testing, but this may be one of the issues that we can explore further in our discussions. We have taken the view that the term “develop” in the context of weapons prohibitions is widely interpreted as capturing design, testing and production, and indeed anything required to bring a weapon into existence and operation. Computer simulations are clearly a type of testing and therefore, in our view, would be prohibited under the prohibition on “development”.

We fully acknowledge the key role of the CTBT and of the CTBTO, which we have no desire to supplant in any way and which we believe can be made very clear in the Preamble, but we would be concerned that to omit a specific prohibition on testing in the new treaty could leave the danger of a loophole. Rather, by including it, we can also reinforce and strengthen the norm created by the CTBT.

We would also wish to see prohibitions on assistance, encouragement and inducement of anyone to engage in any activity prohibited to a State Party under this Treaty.

Our understanding is that “assistance” could also encompass “financing”, but again this is something that we would be interested to hear more on in exchanges with delegates. We have previously taken the view that that finance does represent “assistance” when done by or on behalf of the State and this has had implications for the regulation of the investment of our public monies.

Stockpiles

We understand that the Treaty is not aimed at addressing stockpile destruction or verification of same at this time. However, the elimination of their nuclear arsenals will have to be a requirement for those with nuclear weapons who want to accede to this treaty.

Like the Cluster Munitions, APM and Chemical Weapons Conventions, this treaty will be a hybrid humanitarian law/disarmament instrument. The prohibition on the use of the weapon has its basis in the IHL rule prohibiting indiscriminate

weapons while stockpile destruction is a disarmament measure intended to ensure that the prohibited weapon cannot be used in breach of the prohibition.

Stockpile destruction brings with it reporting requirements and a very extensive inspection, monitoring and enforcement regime. Such arrangements for nuclear weapons would add considerable complexity and length to our negotiations. However, to omit any reference to stockpiles would send a very damaging signal. We need to be very clear that any State with nuclear weapons that wants to join this treaty will need to eliminate their nuclear weapons. We suggest a provision that State Parties that possess NWs who wish to accede to the new treaty will have to provide a statement of their current stockpile, as well as a proposed time-bound plan, for the removal of the weapons from operational stockpiles and their destruction, including the safety and environmental standards that will apply and the proposed verification measures to be applied. This process could be the subject of an Additional Protocol or other agreement with States Parties to the treaty.

We are interested to hear and consult with delegates further on these and all other issues and look forward to our continuing exchanges.

Thank You.

