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

General exchange of views

Topic 2: Core prohibitions

Statement of the International Committee of the Red Cross

Thank you Madame President for allowing the ICRC to take the floor again. In this statement, we would like to offer the ICRC’s views on the core prohibitions and other obligations that should be part of a treaty to prohibit nuclear weapons.

As stated in the conference’s mandate, the primary goal of the negotiation is to establish a prohibition of nuclear weapons. In the view of the ICRC, the prohibition established by the treaty must be clear and robust. Fulfilling this will require specific prohibitions on use and on key activities that support use.

To this end, the treaty must unambiguously prohibit the use, development, production, acquisition, stockpiling, retention, and transfer of nuclear weapons; it must also be prohibited to assist, encourage or induce, in any way, anyone to engage in any of these activities.

The listed prohibitions mirror those of Article 1, paragraph 1 of the Chemical Weapons Convention, which is a fitting model for the nuclear weapon ban treaty. It contains essential prohibitions and well understood terminology, which have been replicated in other international agreements and conventions prohibiting weapons, such the Anti-personnel (AP) Mine Ban Convention and the Convention on Cluster Munitions.

In the view of the ICRC, the prohibitions listed in the Chemical Weapons Convention would suffice to achieve the purposes of the nuclear weapon ban treaty.

The conference’s mandate provides that the prohibition of nuclear weapons is to lead “towards their total elimination”. Indeed, the elimination of nuclear weapons is essential to ensure that they are never again used. The treaty should therefore contain a clear commitment regarding the elimination of nuclear weapons.

In particular, in addition to the prohibition on stockpiling nuclear weapons, the treaty could contain an obligation for a State Party to declare, remove from operational status and destroy any nuclear weapons that it may possess at the time of its adherence to the treaty. Such a commitment to eliminate nuclear weapons would allow a State that possesses nuclear weapons to join the treaty without needing to wait for the completion of its stockpile destruction.

The time-frame and details for the eventual elimination of a State’s nuclear arsenal and its verification could be left for discussions between the nuclear weapon possessing State and other States Parties and detailed in subsequent agreements or protocols.
The treaty should also include an obligation that each State Party take the measures required at the national level to implement its obligations, including the imposition of penal sanctions to prevent and suppress violations.

States should consider how best to ensure that the needs of the victims of nuclear weapon detonations are recognized and advanced and to consider the most suitable approach to facilitate assistance and cooperation for the implementation of the treaty's obligations and to further its goals.

Thank you