United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, 27-31 March 2017

Statement by
The Delegation of Sri Lanka to the United Nations

Item 8 (b). General exchange of views: general exchange of views on all matters
Topic 2. Core prohibitions: effective legal measures, legal provisions and norms

Madam President,

Thank you for giving me the floor.

During the exchange of views on the principles and objectives of a legally binding instrument to prohibit nuclear weapons, my delegation stressed the importance of premising such an instrument on the notion of illegality of the threat or use of nuclear weapons in any circumstances.

Building on that stance, we wish to share some of our thoughts on the core prohibitions that the instrument should seek to establish, and effective legal measures that could be utilized towards that end, basing ourselves on such norms and principles.

Madam President,

As we have pointed out earlier, nuclear weapons violate the fundamental principles of international law, and constitutes the very negation of the humanitarian concerns which underlie the structure of international humanitarian law. We believe that a legally binding instrument that prohibits nuclear weapons has the transformative power to codify their illegality. Such an instrument would stigmatize the possession of nuclear weapons, and ultimately lead towards their total elimination.

Such an instrument would also place nuclear weapons on par with other prohibited weapons of mass destruction, such as chemical weapons and biological weapons. In the same manner that the existing legal instruments like the Biological Weapons Convention (BWC), and the Chemical Weapons Convention (CWC) prohibit biological weapons and chemical weapons, the instrument that we are discussing should seek the prohibition of nuclear weapons.
Madam President,

While the instrument could substantially draw from precedent Conventions, it should primarily be built on the cardinal obligation emanating from Article VI of the Non-Proliferation Treaty, which provides for a "treaty on general and complete disarmament under strict and effective international control." This is the core provision on which the new Instrument should be carefully developed.

We are also of the view that in keeping with the existing international legal instruments dealing with weapons of mass destruction, the instrument should also reaffirm the rights of people who have become the victims of nuclear weapons and nuclear weapon testing. This is a fundamental humanitarian obligation.

Madam President,

Following are some of the core prohibitions that the instrument should seek to establish.

It is imperative that the legally binding instrument seek to prohibit States, their nationals and any other individuals coming under their jurisdiction from engaging in activities related to nuclear weapons. This is particularly important in a context where the danger of nuclear material falling into the hands of non-state actors, specifically terrorists. Prohibited activities must include, development, production, testing, acquisition, stockpiling, transfer, deployment and use or threat of use of nuclear weapons.

Given the indiscriminate and inhumane nature of nuclear weapons, it is important that the entire cycle of their development to use or the threat of use be covered by prohibitions imposed by the instrument.

Further, it would be essential that the Treaty banning nuclear weapons also prevent States and entities under their jurisdiction from assisting, financing or encouraging any activities related to nuclear weapons.

Madam President,

We believe that the instrument must create an obligation for State parties to move towards the total elimination of nuclear weapons. It is imperative that the Treaty creates a framework to achieve the objective of ultimate goal of general and complete disarmament. Timelines for the implementation of the Treaty, for example, a timeline for destruction of stockpiles, may also be built into it, for the States parties to comply with.

The instrument must create additional obligations for States parties, such as ensuring the rights of the victims and survivors of nuclear weapon related activities such as detonation or testing. It must also contain provision to address the issues relating to the damages caused by nuclear weapon activities to the environment. It may be noted in this regard that Article 2 of the International Convention for the Suppression of Acts of Nuclear Terrorism makes causing substantial damage to property or to the environment by nuclear
material, an offence. The proposed Convention must draw from such existing Treaty provisions.

In our quest to totally eliminate nuclear weapons, international cooperation, both in terms of finances and technical aspects, plays a pivotal role. Therefore, we strongly believe that the Treaty must provide for international cooperation and assistance, so that States parties could find recourse to them to meet the obligations arising from the Treaty.

These are some of our thoughts on the core prohibitions and the legal measures that the instrument should seek to impose. We look forward to hearing the views expressed by Member States with much interest.

I thank you, Madame President.