Madame President,

Once again, thank you for the floor. We wish to share with the Conference our contributions on some of the institutional arrangements for the potential legally binding instrument to prohibit nuclear weapons, leading toward their total elimination.

2. We are of the view that the institutional arrangements for legally-binding instrument needs to ensure that State Parties are able to uphold their obligations, are not overly burdensome, and ensures that the Treaty is able to function effectively once it would enter into force.

3. In this respect, we wish to address some of the elements that could go into such institutional arrangements for the instrument, and propose on how they could be reflected:

3.1 Firstly – on national implementation and reporting, the treaty text should be simple to state that all State Parties should take measures to implement the provisions of the Treaty. For states that are party to NWFZs, they would have already committed themselves to any possible prohibitions in the instrument. However, the range of such commitments vary with some including the prohibition of nuclear weapons in their constitutions, some have legislation, and some none at all beyond a national legal norm through practice. As such, while a national implementation measure in the instrument could call on countries to establish a contact point or designate a competent national authority to allow for an exchange of information on the implementation of the Treaty, it should not call for State Parties to establish new internal structures. Moreover national implementation measures should be kept simple and up to the state, without detailed prescribed methods within the text of the instrument. Reporting on national implementation measures should also be kept simple with a reference to a first report a year after a country becomes party, and subsequent reports later;

3.2 Secondly – on compliance, and as a corollary verification, as the instrument is envisaged as generally being a prohibition treaty, compliance would not have to require detailed procedures at this stage. For the purposes of this Conference and instrument, a general provision stating that all State Parties agree to the provisions of the Treaty would be sufficient;
3.3 Thirdly – on a future review or meetings of parties, at this point in time, a Conference / Meeting of State Parties can follow the ATT model whereby issues of rules of procedure, and agenda can be decided during a first CSP/MSP, and the language in the instrument on the agenda of the CSP/MSP being general. A Revcon process could also be considered a possibility as well, and this in turn would suggest the common practise in most Treaties of one taking place every 5 years. At this stage, it is important to be mindful that until the nuclear armed states become party, it may not be necessary for State parties to this instrument to meet so often to discuss issues which most would already be implementing;

3.4 Fourthly – on signature, ratification, and accession, the language for this should use standard treaty language, though the date of when it will be open for signature should be not too long after the conclusion of the Conference, and pending clarification as to whether procedurally, the GA would have to consider the report of the Conference, or whether the instrument would still be open for signature independent of the GA considering it first;

3.5 Fifthly – on entry into force, the Conference would have to decide on how many ratifications or accessions would be necessary for entry into force, and how soon after that number is reached would the instrument come into force. While there are no specific numbers proposed yet, the threshold should not be too high. As such, a starting point for numbers should be a third of expected state parties – in this regard, considering that 113 countries voted in favour of the resolution establishing the Conference – a reasonable number would be in the 35-40 country range. As to when, the standard 90 days after the threshold of ratification or accession being reached should be possible;

3.6 Sixthly – on provisional application, while not absolutely necessary, if it were to be included, it would have to refer specifically to the articles that would be related to the main prohibitions of the treaty;

3.7 Seventhly – reservations should be allowed as long as at the time of signature, ratification, acceptance, approval or accession, unless the reservations are incompatible with the object and purpose of the instrument. Moreover, a State Party may withdraw its reservation at any time by notification to this effect addressed to the Depositary; and

3.8 Finally – on issues of depository and authentic text, these can be based on common practice of many instruments in that the UNSG is the depository, while the instrument should be published in all official UN languages.

4. My delegation would also be open to hearing and considering other contributions that would be suggested regarding institutional arrangements.
6. As we have stated in our previous interventions, we must be realistic and pragmatic vis-à-vis the limitations we face and, concurrently, the opportunities we have before us, with a view to concluding our negotiations during the Second Session of the Conference in July 2017.

I thank you.