Women’s International League for Peace and Freedom (WILPF)  
Statement to the UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their elimination: GENERAL OBLIGATIONS  

18 June 2017

Thank you Madame President,

The Women’s International League for Peace and Freedom, which is a partner of ICAN, believes that the prohibitions of this treaty should be clear and comprehensive, and should be focused on affecting current nuclear weapon policies and practices.

Among other things, this means maintaining the prohibition on testing. Prohibiting testing in the ban treaty would reinforce and strengthen the norm against nuclear weapon testing. It will also help to strengthen efforts for maintaining the funding and legal authority for the CTBTO’s verification regime. On the other hand, omitting testing from the prohibited activities in the ban treaty could leave a crucial gap in the treaty’s core prohibitions that will be necessary for preventing future development or reconstitution of nuclear arsenals.

In addition to maintaining the prohibition on testing and the other activities already included in the draft text, two other sets of activities should be prohibited as a means to impacting the practices of nuclear “deterrence”. These include a prohibition on planning and preparations to use nuclear weapons; and an obligation on states parties not to permit transit of nuclear weapons through their airspace or territorial waters, or to permit visits to their ports or airfields of ships or aircraft carrying nuclear weapons.

Existing nuclear alliances and bilateral relations vary in terms of the level of cooperation and coordination in planning and preparation activities. This can include planning operations, policy, and infrastructure. These activities are not compatible with a prohibition on nuclear weapons. This should be made explicit in the treaty.

Ending the possibility of nuclear forces to be temporarily present in or to transit through national territory and airspace could curtail some avenues in which nuclear-armed states are able to engage in nuclear brinkmanship. It would also impact operations related to “extended nuclear deterrence” and training for use.

Some states have objected to the inclusion of transit because of the complexity of verification. However, as Ecuador pointed out on Friday, the Convention on the Physical Protection of Nuclear Materials already contains similar obligations related to nuclear material. UN Security Council resolution 1540 also provides a relevant precedent.

States may also want to consider prohibiting threat of use, for which was there was broad support on Friday.

The treaty should prohibit financing of nuclear weapons. Again, there is already an obligation on non-state actors not to finance any WMD activities under UN Security Council resolution 1540. A ban treaty could adopt this language and expand it to cover any such activities undertaken by states as well as non-state actors. The economic impacts on the nuclear weapon complex from such a prohibition would be significant. Our partners from PAX will cover this in more detail.

Thank you.