Core Prohibitions and Positive Obligations

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

Delivered by Thea Katrin Mjelstad, 29 March 2017

I speak on behalf of the International Campaign to Abolish Nuclear Weapons, ICAN, and its partner organization Norwegian People’s Aid Solidarity Youth.

The community of nations must fully seize this historic opportunity to establish an unambiguous, comprehensive global prohibition on the very worst weapons of mass destruction. Our task is of utmost urgency and importance.

We are confident – based on past experience with other inherently indiscriminate, inhumane weapons – that this will prove a vital step in our quest to eradicate this ultimate menace from earth.

ICAN believes that the treaty should prohibit its parties from engaging in such activities as the development, production, testing, acquisition, stockpiling, transfer, deployment and use and threat of use of nuclear weapons.

It should also prohibit its parties from assisting, financing, encouraging, and inducing such activities. We must fill the legal gap completely. We must ban these weapons categorically. This will be essential if we are to establish an effective global norm and powerful stigma against these horrific weapons.

No party to the treaty should be permitted to maintain nuclear weapons on its territory or engage in preparations for their use. All parties must fully reject any role for nuclear weapons in their military arrangements. Let us be clear: This is not a treaty to entrench the status quo. This is a treaty to compel positive change. Without change, we will (to quote Einstein) drift towards unparalleled catastrophe.

Our task is to develop the highest possible legal standard against these planet-endangering devices. We must leave no room for uncertainty about their illegality. As Setsuko Thurlow, the Hiroshima survivor, said yesterday: States must declare, in no uncertain terms, that these weapons are illegitimate, immoral and illegal.

We should all be confident that change is possible. We can already see many cracks in the nuclear edifice. And those cracks are widening and deepening as we pursue this treaty. People and parliaments around the world are demanding an end to their nations’ reliance on nuclear weapons. Major political parties in nuclear-reliant nations are lending their full support to this historic process.

We are confident that, in time – as the membership of this new treaty grows – we can compel these states to join. The pressure from the public and the international community to conform to the new global norm will be too great to bear. They will see the merits of liberating themselves – and the world – from these weapons. It would be a grave error to establish anything less than a categorical prohibition.
Distinguished Delegates,

ICAN also believes that the treaty must contain a legal obligation to destroy nuclear stockpiles and establish a framework to achieve their total elimination. Merely referencing elimination in the preamble would be entirely unsatisfactory from our perspective.

Having said that, detailed provisions for the verified destruction of nuclear stockpiles need not be negotiated at this stage. A simple obligation to destroy nuclear stockpiles would be sufficient. Parties to the treaty could agree to relevant measures and timelines as part of the implementation process, through protocols or other appropriate legal instruments.

We also believe that the treaty should include an obligation to ensure the full realization of the rights of victims of nuclear weapons. And it should include an obligation to ensure the rehabilitation – to the greatest extent possible – of environments affected by nuclear detonations. Such provisions need not be overly complicated. They certainly need not prolong this negotiating process.

These are our general views on the core prohibitions and positive obligations to be included in the treaty.

Distinguished Delegates,

As you may have observed, many youth from around the world are participating in this landmark conference. We are eager to raise public awareness globally about the negotiations taking place. And we want to exert the greatest possible pressure on our governments to support this treaty.

On Twitter last night, the former US secretary of defence William Perry commended us for our efforts. He said: it is encouraging to see the next generation engaging with their nuclear legacy. Where we go from here is in your hands.

On behalf of Norwegian People’s Aid Solidarity Youth, let me conclude by conveying our deep regret – indeed our outrage – that the Norwegian government has chosen to boycott this major diplomatic conference.

This is the most significant and promising initiative in our lifetime to advance the goal of a nuclear-weapon-free world. It is a great travesty that Norway is absent.

I wish to assure the delegates here today that the Norwegian people, and the Norwegian parliament, firmly support this process and the goal of a total ban on nuclear weapons. So, too, do the people and parliaments of many other countries that are boycotting this process.

If our democracies were truly effective, these horrific weapons of mass destruction would not exist. We will continue to do our bit to address this democratic deficit. We will continue to speak up, as youth, for a safer, saner world, free from the threat of radioactive incineration.