Thank you, Madam President, for giving us the floor.

Before addressing the core prohibitions of the new instrument, allow me to add some comments on the scope and nature of the instrument. Various options have been mentioned in terms of the type of instrument that is required, including a treaty, convention, framework agreement or some form of hybrid between those options. My delegation acknowledges that there are distinct advantages in each of these approaches. As distinct from the Nuclear Weapons Convention, with its merits, South Africa preference for this negotiation is a prohibition treaty. It seems evident that the type of instrument that we envisage would not include all elements that may be necessary in a comprehensive Nuclear Weapons Convention. For example, there seems to be broad agreement that extensive verification arrangements related to nuclear arms reductions would not be appropriate in the kind of instrument envisaged under the resolution. Furthermore, the concept of a framework agreement also seems more relevant for negotiations in which all States participate, although we recognise that a prohibition treaty could serve as a framework for nuclear disarmament.

South Africa supports the conclusion of an effective, comprehensive, non-discriminatory, international treaty prohibiting nuclear weapons. Our support for such an instrument is without prejudice to our continuing support for the commencement of negotiations in the Conference on Disarmament (CD) on a treaty banning the production of fissile material for nuclear weapons, as well as a comprehensive Nuclear Weapons Convention. In our view, the process towards the conclusion of an instrument prohibiting nuclear weapons is not intended to compete with these efforts, but rather to complement them.

Madam President

In South Africa's view, an international legally-binding prohibition treaty would constitute an important step towards the goal of a world without nuclear weapons. Such an instrument should, as a minimum, prohibit the production, use and threat of use, stockpiling, deployment, transfer, testing, financing and assistance for nuclear weapons programmes. While the instrument would clearly be more limited than a Nuclear Weapons Convention, we do not support the idea of turning a simple political declaration into a legally-binding instrument. While such an instrument may well be easier to negotiate within the limited time available, it is unlikely to be taken seriously by those who may choose to remain outside, thereby limiting its capacity to stigmatise, devalue and delegitimise nuclear weapons, which should be our aim. More comprehensive prohibitions would therefore be preferred in the form of an unambiguous treaty text.

In addition, Madam President, for such an instrument to be an effective and credible tool, it would be important to incorporate provisions that would allow States possessing nuclear weapons to join the instrument, while they commit to eliminate their nuclear weapons within a specified timeframe. This may require some form of verification provision that will enable State Parties to obtain assurances that the State has indeed eliminated its nuclear weapons at the end of the timeframe specified in the Treaty. One option that can be considered is to include a provision dealing with destruction, an initial and final declaration, as well as verification arrangements that would apply to any State possessing nuclear weapons joining the treaty. Madam President, for this purpose, a State Party would be required to submit an initial declaration on its nuclear weapons stockpile earmarked for destruction upon which it may be granted a maximum period of 10 years from entry-into-force for that State to finalise its destruction activities, perhaps with a possible extension of another 10 years. Once this process has been completed, such State will submit a final
declaration confirming finalisation of the process and that all its nuclear material and facilities are under comprehensive IAEA safeguards. This could then be verified by the IAEA confirming that all nuclear material and facilities are under comprehensive IAEA safeguards.

Likewise, we also recognise that it may be necessary to consider provisions related to the participation of States under the nuclear umbrella. While we will engage constructively in negotiations on proposals in this regard, it is imperative that the letter and spirit of the new instrument is not undermined.

Madam President

In our view, a prohibition treaty should not impose new obligations on State Parties that go beyond their obligations under the NPT. It would therefore be necessary to establish a clear link to the rights and obligations of NPT State Parties. However, it would also be important to ensure that such elements to be included in the Treaty would be non-discriminatory and allow all States, whether they are Party to the NPT or not, to join. In addition, nothing in the new instrument should impose any restrictions on the inalienable right of States to nuclear energy for peaceful purposes.

The element of possession should in our view be the key focus of the new Treaty. This means that the development, acquisition and stockpiling of nuclear weapons need to be prohibited in a non-discriminatory manner. At present, only the non-nuclear-weapon States under the NPT are not allowed to develop, acquire or stockpile and this needs to be extended to all States. A prohibition on the deployment and placement of nuclear weapons in certain geographical areas are already provided for in some of the Nuclear Weapon Free Zone Treaty agreements, as well as in outer space through the Outer Space Treaty of 1967. This now needs to be extended to all areas. The same principle applies to the issue of transfer, transhipment and transit that should also be subjected to a non-discriminatory prohibition. The testing of nuclear weapons should also be prohibited. The CTBT has not yet entered into force and is incomplete as it only bans nuclear test explosions thereby excluding other forms of non-explosive testing such as computer simulations. The treaty would have to be clear on other new forms of testing, such as sub-critical tests. The treaty should contain a clear ban on the use or threat of use of nuclear weapons. Such a provision would be key to the effort to delegitimise the concept of nuclear deterrence.

It is important that a mechanism is established to enable States requiring assistance in national implementation to receive support from States Parties that are able to assist. South Africa also supports the establishment of a compliance and dispute resolution mechanism among State Parties.

In conclusion Madam President, my delegation hopes that our views on the core prohibitions will be favourably considered in the Chair’s drafting process. Thank you Madam President.