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(IALANA)

Topic 2

Madame President, first let me say that I am impressed by the sincerity and constructive spirit of the diplomats engaged in these negotiations.

This morning we heard some reasons advanced for not making the list of prohibited activities too extensive or too innovative. It was said that doing so could delay the negotiations, and that it could be impractical for states to ensure that certain activities were not carried out in areas under their jurisdiction and control.

I want to underline that there nonetheless is a strong case for including such activities as research, design, and testing among prohibited activities.

First the ban treaty will set a standard for the world and for individuals. It is not only about states. It will be important for scientists and young people to see that the treaty is very clear about not engaging in any nuclear-weapons related work. Sri Lanka mentioned the late Judge Weeramantry. He was the author of a seminal book in the 1980s, *Nuclear Weapons and Scientific Responsibility*. I am sure he would be in favor of including prohibitions relating to research, design, and testing.

Second, specificity will clarify what activities states must not allow that contribute to or assist with nuclear-weapons work.

Third, it may help to turn a spotlight on activities that at a minimum need close scrutiny. For example, laser fusion facilities in the United States and France are described in part as advancing basic science and energy research. But they are funded in good part because of their potential contribution to modelling nuclear explosions. Whether individuals from ban treaty members may participate in such work deserves attention and limitations at least.

Fourth, the prohibition treaty will help set the template for future disarmament agreements, and also may serve as the foundation for denuclearization by states now possessing nuclear arms. As to such states, the more specificity, the better.

This morning we also heard different views expressed about whether a prohibition of threat of use should be included. In its discussion paper, IALANA comes down very strongly on the side of including the prohibition. It is true that there is no prohibition of threatened use in the Chemical Weapons Convention and other treaties prohibiting and eliminating weapons. However, as with respect to the preamble, including threat in the operative portion of the prohibition treaty is important because of the centrality of 'nuclear deterrence' to military postures and the need to undermine its legitimacy as well as to prevent specific threats leading to use. Including it also helps make clear that members of the prohibition treaty may in no way cooperate with reliance on nuclear weapons.

We have been living with a grotesque regime of nuclear threat since World War II. It would be strange if the ban treaty did not address this reality.

The fact that the UN Charter contains a fundamental obligation not to resort to threats of force does not change the picture. In time of armed conflict – the most likely time when a specific threat of use would be made – international humanitarian law is the primary body of law. A prohibition of threat of nuclear weapons in times of war and peace would in effect be specifications of the Charter and IHL. To the extent it is considered innovative with respect to IHL, it would be a very good innovation! There is no reason to think that including threat of use would in any way undermine the Charter or IHL; on the contrary, it would reinforce them.