

Institutional Arrangements

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

Delivered by Maaïke Beenes, 31 March 2017

Almost half a century has passed since governments concluded the Nuclear Non-Proliferation Treaty. Without a doubt, the negotiations now under way are the most significant, most promising initiative aimed at implementing the disarmament objective of that landmark agreement.

Outlawing nuclear weapons is a moral and humanitarian imperative. It is also a legal imperative, stemming from article VI of the NPT and customary international law. Far from undermining the NPT, the ban will complement and reinforce it. It will spur long-overdue – and urgent – progress towards abolition, and be a further disincentive against proliferation.

It will also build on nuclear-weapon-free zones, which now cover much of the world. In a sense, it will globalize the regional norms that such zones have created. We have a chance, in other words, to make the taboo against nuclear weapons universal.

As many delegations have stressed, the successful conclusion of this treaty is not our end point. Much work will be needed to achieve its full implementation and universalization. Additional legal instruments – on verification, for instance – will be essential for reaching the goal of elimination.

The treaty should also build on, and draw from, treaties outlawing other indiscriminate weapons – biological weapons, chemical weapons, landmines and cluster munitions.

Importantly, it should provide for regular meetings of states parties and review conferences to consider and take decisions on its application or implementation. Non-parties, the United Nations, the Red Cross, ICAN and other relevant organizations, as well as members of academia, should be invited to participate in such meetings as observers.

The treaty should expressly forbid reservations, as do most other weapon-related treaties. Allowing parties to make reservations would greatly diminish the normative impact of the treaty and risk defeating its very purpose.

It should contain a simple entry-into-force provision, whereby the treaty would become binding international law once a certain number of states have ratified it. Entry into force must not be contingent upon the ratification of any particular state or group of states. All states are equal and must be treated as such under this treaty.



It should be of unlimited duration and allow for the possibility of amendments. It should provide for international cooperation and assistance in meeting the obligations of the treaty. And it should include a commitment to encourage non-parties to join the treaty, with the ultimate goal of universalization.

States parties should take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent or suppress prohibited activities.

The treaty should establish an entity to promote implementation, to ensure compliance with its provisions, and to provide a forum for consultation and cooperation among states parties. This entity should also have a mandate to educate the global public about the treaty, as well as the humanitarian impact of nuclear weapons.

We believe that such institutional arrangements will help ensure that the treaty is truly effective in achieving its objectives.