

Dáil Éireann, Select Committee on Foreign Affairs, Trade and Defence,

Thursday, 03 October 2019

Prohibition of Nuclear Weapons Bill 2019

**Introductory Remarks by Minister of State for the Diaspora and International
Development, Ciarán Cannon, T.D.**

The purpose of the Prohibition of Nuclear Weapons Bill is to enable Ireland to become a State Party to the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW). The TPNW provides for States to fulfil their disarmament obligations under the Nuclear Non Proliferation Treaty (Article VI), and affirm their commitment to achieving a world free from nuclear weapons. The TPNW plugs a legal gap by prohibiting the last form of weapon of mass destruction which had not yet been explicitly outlawed under international law. I am pleased that during the second stage debate all parties expressed support for the passing of this legislation and share deep concern about the devastating consequences to humanity and the planet which would arise from the detonation of a nuclear weapon, whether by accident, miscalculation or design, anywhere on the planet. We are all agreed that the only guarantee of protection from the use of nuclear weapons is their complete elimination. The ratification by Ireland of the TPNW will be an important step towards the realisation of this important goal.

The TPNW establishes a comprehensive set of prohibitions on participating in nuclear weapons activities. The Prohibition of Nuclear Weapons Bill 2019 creates offences in respect of these prohibitions. In addition to these core prohibitions that implement the disarmament pillar of the Nuclear Non Proliferation Treaty, the TPNW obliges States Parties to assist survivors of nuclear weapons testing or use in areas under their jurisdiction, and to undertake necessary environmental remediation in areas under their control. The Treaty is the first international legal instrument to recognise the disproportionate impact on the health of women and girls of ionising radiation from nuclear weapons use. The Treaty also promotes the equal participation in the Treaty's work by women and men and includes a provision on disarmament education.

Ratification of the Treaty following the enactment of the Prohibition of Nuclear Weapons Bill 2019 will be in line with Ireland's long-standing commitment to international nuclear disarmament and non-proliferation. Ireland played a leading role in the Treaty negotiations and accordingly signed the Treaty at the earliest opportunity, on 20 September 2017. Ireland's engagement with the Treaty negotiations also reflected our principled position on humanitarian consequences of nuclear weapons, respect for human rights and the promotion of civil society voices. These values are reflected in the Treaty.

I am pleased to inform members that during a special High-Level Ceremony at the UN Headquarters in New York last week, the TPNW took a significant step forward towards its entry into force, when seven states signed and five states ratified the Treaty. The treaty now has 79 signatories and 32 States Parties. The Treaty is more than half way towards the 50 state parties required for its entry into force.

I would like to inform the Committee that the Government is likely to propose an amendment at Report Stage to include a reverse onus clause under section 2 of the Bill. This type of clause exists in other similar legislation, including the Biological Weapons Act 2011. A reverse onus clause would ensure that, in the event of a prosecution being commenced for an offence under the Bill, a weapon or other explosive device capable of releasing nuclear energy will be presumed to be designed for hostile purposes, i.e. to cause or likely to cause death, serious injury or damage to property or the environment. Thus, it would be for the defendant to cast reasonable doubt on this presumption in order to rebut it.

In closing, I would like to again thank deputies for their support for the Bill during its second reading. More particularly, I would like to thank Deputies for the richness of their engagement across a broad range of issues related to nuclear disarmament during that debate. There is no doubt that a world free of nuclear weapons is in best interest of humanity and the planet that is a shared view across the House. I am confident that we will succeed in passing this legislation which will allow Ireland to ratify the TPNW in the coming months and demonstrate Ireland's leadership on the international stage on the issue of nuclear disarmament.