

DÁIL ÉIREANN

AN ROGHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS TRÁDÁIL, AGUS COSAIN

SELECT COMMITTEE ON FOREIGN AFFAIRS AND TRADE, AND DEFENCE

Déardaoin, 3 Deireadh Fómhair 2019

Thursday, 3 October 2019

The Select Committee met at 10.30 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies

Seanadóirí / Senators

Ciarán Cannon (Minister of State at the Department of Foreign Affairs and Trade),	
Niall Collins,	
Seán Crowe,	
Maureen O'Sullivan.	

Teachta / Deputy Brendan Smith sa Chathaoir / in the Chair.

Prohibition of Nuclear Weapons Bill 2019: Committee Stage

Chairman: All mobile phones should be switched off as they cause interference with the broadcasting and recording equipment in the committee rooms, even when left in silent mode. This meeting has been convened to consider Committee Stage of the Prohibition of Nuclear Weapons Bill 2019. I welcome the Minister of State, Deputy Cannon, and his officials. Would he like to make some opening remarks before we address the amendments to the Bill?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): 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 Article VI of the nuclear non-proliferation treaty 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 has 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 shared a deep concern about the devastating consequences to humanity and the planet which would arise from the detonation of a nuclear weapon anywhere on the planet, whether by accident, miscalculation or design. 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 weapon 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 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 the 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 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 halfway towards the 50 states parties required for its entry into force.

I would like to inform the committee that the Government is likely to propose an amendment on Report Stage to include a reverse onus clause in section 2 of the Bill. This type of clause is to be found in other similar legislation, including the Biological Weapons Act 2011. A reverse onus clause will 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 have been designed for hostile purposes, that is, to cause or likely to cause

death, serious injury or damage to property or the environment. Thus, it will be for the defendant to cast reasonable doubt on this presumption in order to rebut it.

I again thank Deputies for their support for the Bill during its Second Reading. More particularly, I 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 but that a world free of nuclear weapons is in best interests 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.

Chairman: Before we begin section by section consideration of the Bill, does any colleague wish to make some brief opening general remarks about the Bill?

Deputy Seán Crowe: As I did not get the opportunity to speak to the Bill on Second Stage, I will take a few minutes to do so now.

I thank the Oireachtas Library and Research Service. Its research and background information on the Bill were very helpful. Its work complements ours, particular of those of us in opposition. It is of huge benefit to Members.

Sinn Féin supports and welcomes the Prohibition of Nuclear Weapons Bill. As the Minister of State said, it received unanimous support on Second Stage. I imagine that support will continue as the Bill progresses through all remaining Stages. The Bill will enable Ireland to become a state party to the UN Treaty on the Prohibition of Nuclear Weapons and give effect to its provisions in Irish law. The treaty prohibits participation in a range of activities related to the transfer, development and use of nuclear weapons. This is both very welcome and something to which every country should agree. Nuclear weapons threaten the very existence of the human race and life on this planet. They should not be developed, stored or used by anyone.

It is worrying that many Cold War disarmament treaties are breaking down. That should be noted in this discussion. Presidents Trump and Putin are moving towards a new arms race. We need to create a world free from nuclear weapons, chemical weapons and weapons of mass destruction. Ireland must be a global leader on the issues of demilitarisation and disarmament.

We should remember all victims and survivors of nuclear weapons. Two nuclear weapons have been used in war - the bombs dropped on the Japanese cities of Hiroshima and Nagasaki by the US military in 1945. These two bombs killed 120,000 civilians and flattened both cities. They were deployed to kill as many civilians as possible. It was a war crime, although it is never spoken about in these terms, and the effects are still being felt today. We have seen pictures of babies born today who are suffering the effects of that war which should never have happened. The development and use of nuclear weapons should have ended with it, but, regrettably, the opposite happened. We know that more and more of these weapons were produced. I always try to attend the annual event organised by the Irish Campaign for Nuclear Disarmament on Merrion Square to remember all those who died in these two war crime events. It is a small ceremony, but it is important that Irish people be given the opportunity to express their horror at what happened. During the Cold War we saw massive proliferation of nuclear weapons which still pose a threat to humanity. Nuclear weapons have been detonated on 2,000 occasions for testing purposes and demonstrations which have caused enormous environmental damage. The Stockholm International Peace Research Institute estimated that in 2017 there were 14,465 nuclear weapons in the world. They must all be destroyed and put beyond use.

I reiterate my support for the treaty, Ireland being a signatory to it and the Bill, the effect of which will be to enshrine the provisions of the treaty in Irish law. I am not sure about the amendment that has been tabled and hope someone will speak to it. I am open to supporting it, but I am interested in hearing the Minister of State's views on it. The treaty is not binding on states that are not a party to it and we have a long race to run before we reach full global nuclear disarmament. Nonetheless, the treaty remains an important step in achieving nuclear disarmament. In parallel to its support for the treaty, the Government should try to stop the erosion of Irish neutrality and oppose further militarisation of the European Union. I know that there are differences of opinion, but it is not good enough to oppose nuclear weapons while remaining part of NATO's so-called Partnership for Peace. We cannot chastise countries that have stockpiled and developed nuclear weapons in Europe and then join EU battle groups with them and silently move towards the formation of an EU army. It is welcome that we have signed the treaty, but we must encourage more countries to do likewise. We must also encourage those that have nuclear weapons to set out on the long road towards disarmament and the decommissioning of all nuclear weapons.

Deputy Maureen O'Sullivan: Obviously, I support the Bill and would like it to be even stronger, if possible. That said, I have concerns. While we are all agreed on the prohibition of nuclear weapons which are weapons of mass destruction, there seems to be an open field for the arms industry generally and the weapons produced that cause massive, rather than mass, destruction. It is all very well to agree on the prohibition of nuclear weapons, but the bigger picture must be addressed. This is particularly the case when one looks at the finance involved in the arms industry. When I was speaking to the Bill in the Dáil Chamber, I mentioned some figures which included the \$1.74 trillion spent on arms in 2017. In the European Union alone, military spending is €260 billion per annum. Apparently, it will take another \$1 trillion to modernise the nuclear weapons capacity of the nine countries that have nuclear weapons. While we are passing this legislation, supporting its provisions and asking that it be as strong as possible, we must be mindful of what is happening in the wider context. There are a number of rather volatile world leaders who like to play war games with each other. We are depending on them to behave rationally, but I am not sure if we can put too much store in that happening. Of course, the countries that hold nuclear weapons will not agree with the treaty because they want to retain these weapons. In that context, a lot more work needs to be done.

I have a question about divestment in companies that produce nuclear weapons. Three countries in Europe have divested from them completely. Ireland has divested from three of the 26 companies in which it has investments. As we did in the case of fossil fuels, we must work on this issue too.

Chairman: We will proceed with the debate on the Bill. The Minister of State can deal with some of the points raised in his concluding remarks.

Section 1 agreed to.

Chairman: Amendment No.1 is in the name of Deputy Howlin, but there is no member of the Labour Party present to move it.

Amendment No.1 not moved.

Section 2 agreed to.

Sections 3 to 6, inclusive, agreed to.

Schedule agreed to.

Title agreed to.

Deputy Seán Crowe: May I comment before the Bill is put through this Stage? I know that there was nobody present from the Labour Party to move amendment No.1, but I ask the Minister of State to comment on whether it would strengthen or weaken the Bill. If it would strengthen the Bill, perhaps he might take it on board before Report and Final Stages in the Dáil.

Chairman: Strictly, we are not allowed to discuss an amendment that has not been moved. That said, the Minister of State may inadvertently refer to it. If he does, he will not be reprimanded.

Deputy Ciarán Cannon: In summary, we arrived at the conclusion that the amendment was superfluous and that if it was to be carried, it would have the potential to undermine other similar legislation passed in the past. As it would oblige us to revisit that legislation, the opinion of the Attorney General was that it should not be accepted.

Chairman: I thank the Minister of State and my colleagues for their detailed and efficient consideration of the legislation. As the Minister of State said, this country has a long and proud record in working towards the prohibition and elimination of nuclear weapons. Going back to 1958, led by the then Minister Frank Aiken, Ireland introduced the first of what became known as the Irish resolutions at the United Nations which eventually led to the Treaty on the Non-Proliferation of Nuclear Weapons which has become the cornerstone of nuclear disarmament. The treaty is the most widely recognised agreement on nuclear disarmament. As has been said, with so much uncertainty throughout the world, this is an issue that must continually be addressed by the international community. The Bill is an important measure and we are glad to be able to facilitate its passage. I thank members for their co-operation.

Deputy Ciarán Cannon: May I give a quick response to Deputy Maureen O'Sullivan on her point about divestment?

Chairman: Yes, of course.

Deputy Ciarán Cannon: I agree wholeheartedly with her. We should seriously consider going down the route of divesting from all such companies. In drafting this legislation the intention was to stick as close as we possibly could to the treaty.

Deputy Maureen O'Sullivan: I understand that.

Bill reported without amendment.

Message to Dáil

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Select Committee on Foreign Affairs and Trade, and Defence has completed its consideration of the Prohibition of Nuclear Weapons Bill 2019 and not made amendments thereto.

SFATD

The select committee adjourned at 10.50 a.m. *sine die*.