

# 2016 OEWG TAKING FORWARD MULTILATERAL NUCLEAR DISARMAMENT NEGOTIATIONS

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Nuclear disarmament is not a novel idea.

- ▶ First ever UN General Assembly Resolution (1946) focused on  
*“... the need for the elimination from national armaments  
of atomic weapons and of all other major weapons  
adaptable to mass destruction...”*

## NUCLEAR DISARMAMENT: A BRIEF HISTORY

- ▶ **Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**
  - ▶ Article VI: Pursuit of negotiations “... in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”
    - ▶ 1996 ICJ Advisory Opinion on the legality of the threat or use of nuclear weapons
  - ▶ Article VII: Nothing in this treaty affects the right of any group of States to conclude regional treaties in order to assure total absence of nuclear weapons in their respective territories.

## **NUCLEAR DISARMAMENT: A BRIEF HISTORY (2)**

- ▶ **United Nations Disarmament Commission (UNDC)**
- ▶ **Conference on Disarmament (CD)**
- ▶ **Comprehensive Nuclear-Test-Ban-Treaty (CTBT)**

## **NUCLEAR DISARMAMENT: A BRIEF HISTORY (3)**

## *2016 Open-ended Working Group taking forward multilateral nuclear disarmament negotiations*

- ▶ Established by the General Assembly in its resolution 70/33 (7 Dec 2015)
- ▶ Elected by acclamation H.E. Mr. Thani Thongphakdi (Thailand) as its chair (22 Feb 2016)

## **2016 OEWG: ESTABLISHMENT**

## Aim of the OEWG

*“...to substantively address concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons;”*

Resolution 70/33, OP 2

# 2016 OEWG: PURPOSE

And...

*“... to also substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to*

*(a) transparency measures related to the risks associated with existing nuclear weapons;*

Resolution 70/33, OP 3

**2016 OEWG: PURPOSE (2)**

*(b) measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and*

*(c) additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation”*

Resolution 70/33, OP 3

**2016 OEWG: PURPOSE (3)**



- ▶ Reaffirmed resolve to achieve and maintain a world without nuclear weapons
- ▶ Expressed deep concern about the threat to humanity posed by the existence of nuclear weapons and the catastrophic humanitarian consequences of any nuclear weapon detonation
- ▶ Noted with concern that the progress in multilateral nuclear disarmament has been *slow*

## 2016 OEWG: COMMON VIEWS

- ▶ NPT text *does not provide specific guidance* with respect to specific effective measures that should be pursued in fulfillment of its Article VI

## 2016 OEWG: COMMON OBSERVATIONS

## Varying views on

- ▶ Legal gap in the current international framework for the prohibition and elimination of nuclear weapons
- ▶ Need to take into account the international security environment, current geopolitical situation and role of nuclear weapons in existing security doctrines
- ▶ Collective security VS National security

**2016 OEWG:**  
**OTHER PERSPECTIVES**

- ▶ Noted that “the best chance for reaching a world without nuclear weapons would be through the involvement of all States that possess nuclear weapons”
- ▶ Noted the steps taken by a number of States to reduce the number of their nuclear weapons
- ▶ HOWEVER, reductions are only partial and many States continue to work on the qualitative improvement and modernisation of their nuclear arsenals
- ▶ Not just reduce but STIGMATISE the use of nuclear weapons

**2016 OEWG:**

**THE ROLE OF NWS + NNWS**

- ▶ OEWG affirmed that the development of any effective legal measures for nuclear disarmament can only be aimed at strengthening the nuclear disarmament and non-proliferation regime and at implementing article VI of the NPT and that such measures should complement and strengthen the Treaty.
- ▶ Much support for the commencement of negotiations in the General Assembly in 2017, on a legally binding instrument to prohibit nuclear weapons

**2016 OEWG:  
CONCRETE EFFECTIVE LEGAL MEASURES**

## *Possible approaches of a legally binding instrument*

- ▶ Nuclear weapon prohibition treaty - aimed at prohibition, no need for provision on elimination and verification at this stage
- ▶ Comprehensive nuclear weapons convention - general obligations, prohibitions and practical arrangements for time-bound, irreversible and verifiable nuclear disarmament

**2016 OEWG: POSSIBLE APPROACHES (1)**

## *Possible approaches of the legally binding instrument*

- ▶ Framework agreement comprised of a set of mutually reinforcing instruments or a chapeau agreement followed by subsidiary agreements or protocols
- ▶ “Progressive” or step-by-step – Focus on existing global regime (particularly the NPT)

**2016 OEWG: POSSIBLE APPROACHES (2)**

## *Possible approaches of the legally binding instrument*

- ▶ “Hybrid” - Simultaneous negotiation of a Treaty to prohibit nuclear weapons & Protocols to complement the treaty
- ▶ Additional Protocol to the NPT

**2016 OEWG: POSSIBLE APPROACHES (3)**



Suggested elements of the legally binding instrument, including, among others:

- ▶ Prohibitions on the acquisition, possession, stockpiling, development, testing and production of nuclear weapons;
- ▶ Prohibitions on participating in any use of nuclear weapons, including through participating in nuclear war planning, participating in the targeting of nuclear weapons and training personnel to take control of nuclear weapons;
- ▶ Prohibitions on assisting, encouraging or inducing, directly or indirectly, any activity prohibited by the treaty;

**2016 OEWG: INSTRUMENT ELEMENTS**

- ▶ Prohibitions on permitting nuclear weapons in national territory, including on permitting vessels with nuclear weapons in ports and territorial seas, permitting aircraft with nuclear weapons from entering national airspace, permitting nuclear weapons from being transited through national territory, permitting nuclear weapons from being stationed or deployed on national territory; Prohibitions on financing nuclear weapon activities or on providing special fissionable material to any states that do not apply International Atomic Energy Agency (IAEA) comprehensive safeguards; and
- ▶ Recognition of the rights of victims of the use and testing of nuclear weapons and a commitment to provide assistance to victims and to environmental remediation

## **2016 OEWG: INSTRUMENT ELEMENTS (2)**

- ▶ **Transparency measures**
- ▶ **Risk Reduction measures**
- ▶ **Awareness-raising measures**

**2016 OEWG:  
OTHER MEASURES**

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- ▶ Widespread support of recommendation to convening by the General Assembly in 2017,

*a conference to negotiate a legally binding instrument to prohibit nuclear weapons leading to their total elimination*

(later adopted as A/RES/71/258)

- ▶ but with some opposing views

## 2016 OEWG: RECOMMENDATIONS

- ▶ **Inclusiveness**
  - ▶ **NWS & NNWS**
  - ▶ **Government, Private sector, Civil society, NGOs, Research institutes, academic institutions**
- ▶ **Transparency**
- ▶ **Participation**

**2016 OEWG:  
INSIGHTS FOR MOVING FORWARD**

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**THANK YOU.**

