Background

After decades of deadlock, the international community is faced with a unique opportunity to finally prohibit the most destructive and inhumane weapon ever created. Overwhelming international support for the humanitarian pledge, the fact-based humanitarian initiative developed through three international conferences, numerous joint statements, research, and other activities has developed into a political process to fill the legal gap for the prohibition of nuclear weapons.

At the 2015 UN General Assembly, governments adopted a series of resolutions in support of the humanitarian initiative and the humanitarian pledge. This was followed by the adoption of a resolution to establish a second open-ended working group (OEWG) to take forward multilateral nuclear disarmament negotiations. The aim of this working group was to make recommendations for new legal effective measures for nuclear disarmament as well as measures to reduce risk, increase transparency, and increase awareness of the humanitarian consequences of nuclear weapons.

The OEWG convened in Geneva for three sessions in 2016 and concluded with a recommendation to convene a conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons.

Current context

At the OEWG, governments heard presentations by experts and engaged in debate with each other and with civil society. While the scope of the working group was broad enough to contain discussions about a large number of different measures, the key focus of all participants was on a treaty prohibiting nuclear weapons.

States and civil society groups outlined elements they believe should be included in such new treaty. Generally, there was agreement among the majority of states on the following points:

- A new legal instrument should establish prohibitions on various activities related to nuclear weapons. These should include development, production, testing, acquisition, stockpiling, transfer, deployment, threat of use and use of nuclear weapons, as well as assistance, financing, encouragement, and inducement of these acts.
- Such a treaty could be negotiated now, even without the participation of nuclear-armed states, and would constitute an important initial step towards the elimination of nuclear weapons.
- The treaty does not need to include complex provisions relating to the destruction of nuclear stockpiles and to verification at the outset. Such provisions could be negotiated
subsequently, perhaps in the form of protocols, once nuclear-armed states are willing to engage.

- More than any other proposal on the table, a prohibition treaty has the potential to break through the current logjam, fundamentally alter the political dynamics, and open up new opportunities for progress towards disarmament.

While the OEWG recommended starting negotiations in 2017 of a new treaty banning nuclear weapons, the call for a vote on the report by Australia exposed the clear divide between states without nuclear weapons and states reliant on nuclear weapons through security arrangements.

Despite making multiple commitments to nuclear disarmament throughout the years, the process to prohibit nuclear weapons puts the spotlight on just how reluctant nuclear-armed states and nuclear supportive states are to follow through on these commitments.

However, First Committee will need to follow-up on the recommendation by the OEWG, most likely through a resolution starting negotiations of a new international legally binding instrument to prohibit nuclear weapons.

This will likely be a contentious resolution and source of heated debate in New York. A treaty banning nuclear weapons is one of the most positive opportunities for progress on nuclear
weapons in many years. Progress is urgently needed in light of increasing tensions between nuclear-armed states, stated willingness of politicians in nuclear-armed states to use nuclear weapons, and massive investments in extending the lives of their arsenals into the indefinite future. Given the humanitarian impacts and the risks surrounding nuclear weapons, nuclear-armed states and nuclear supporters must be challenged for recklessly advocating in favour of maintaining nuclear weapons.

Recommendations

During First Committee, delegations should:
- Call for the General Assembly to start a negotiating process for a new legally-binding instrument to prohibit nuclear weapons;
- Vote in favour of a resolution that establishes such negotiations; and
- Ensure that such negotiations should be open to all states, blockable by none, and inclusive of civil society.

Beyond First Committee, states should:
- Engage in national, regional, and international preparatory work to examine elements and provisions of a new legally-binding instrument to prohibit nuclear weapons;
- Engage with national and international civil society actors and other relevant stakeholders to ensure ongoing dialogue throughout the process to prohibit nuclear weapons;
- Stop investing in nuclear weapon modernization, including through investments in nuclear weapon producing companies; and
- Continue to challenge and take measures to end the existence, maintenance, and reliance on nuclear weapons.

‘IN THE PAST, WEAPONS HAVE BEEN ELIMINATED AFTER THEY HAVE BEEN OUTLAWED. WE BELIEVE THIS IS THE PATH TO ACHIEVE A WORLD WITHOUT NUCLEAR WEAPONS.’ NAYARIT CHAIR’S SUMMARY