Republic of Palau

Panel IV: Exchange of Views

Statement to the Open-ended Working Group on Nuclear Disarmament

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Panel IV on essential elements that could form part of effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons

Good morning and Thank you Mr. Chairman for the chance to address the floor:

Let me begin by thanking Dr. Stuart Casey-Maslen for his informative remarks this morning, which have helped frame this important discussion on effective legal measures for achieving and maintaining a world free of nuclear weapons. The Synthesis Paper also provides an excellent guidance in this regard.

The overwhelming majority of UN member states have indicated their readiness to work together to prohibit nuclear weapons. The question that we should ask is not whether a global ban on nuclear weapons is necessary, but rather how it can be negotiated and what provisions it should contain.

As a member of the Humanitarian Pledge group, Palau is fully committed to the development of new norms and legal provisions to stigmatize, prohibit and eliminate nuclear weapons. We cannot afford to delay this task any longer.

I am pleased to introduce Working Paper 14 on behalf of my brothers and sisters from Samoa, Nauru, Fiji, Tuvalu and my own country, Palau. It proposes a number of important elements for inclusion in the treaty banning nuclear weapons.

Our motivation for submitting the paper stems from our region’s experience of the dreadful effects of nuclear weapons. As I mentioned in my intervention last week, more than 300 nuclear test explosions were carried out in the Pacific over the course of half a century. Our people are still suffering the consequences.
We are deeply concerned by the continuing threat posed by more than 15,000 nuclear weapons in the world, and by the lack of meaningful progress towards disarmament. This lack of progress underscores the urgent need for new legal provisions and norms against nuclear weapons.

As parties to the Non-Proliferation Treaty, we are all legally required to pursue “effective measures” for disarmament. The dire international security environment is no excuse for standing still, nor is the unwillingness of nuclear-armed states to take seriously their obligations.

Mr. Chairman,

We must address, without delay, the deficiencies in the existing legal framework governing nuclear weapons. As the International Court of Justice noted in its 1996 advisory opinion, there is no comprehensive and universal prohibition of the threat or use of nuclear weapons.

In this respect, nuclear weapons differ from chemical and biological weapons, which have been comprehensively and universally prohibited through treaties. It is plainly unacceptable that the very worst weapons of mass destruction have not yet been prohibited in a similar fashion.

A treaty banning nuclear weapons would fill the legal gap in the existing legal regime by building on and reinforcing such instruments as the NPT, the Comprehensive Test Ban Treaty, and regional nuclear-weapon-free zones.

Importantly, the treaty would prohibit not only the use of nuclear weapons, but also their development, production, testing, stockpiling, transfer, deployment and financing, as well as assistance, encouragement or inducement of these acts.

It would fix the fragmentary nature of the existing regime by closing loopholes and applying the same rules equally to all states. It would contribute to the progressive stigmatization of nuclear weapons, and constitute an “effective measure” for nuclear disarmament as required by the NPT.

We are convinced that the total prohibition of nuclear weapons through a global treaty is the only responsible course of action in light of the catastrophic humanitarian consequences of such weapons. Anything less than a total ban would be insufficient.

We anticipate that not every state will agree to participate in the negotiations and to join the treaty at the outset. But through its normative force, the treaty will have a profound impact on the behavior of non-party states. Support will need to be built over time – as is the case for any other treaty.

In assessing the merits of a treaty banning nuclear weapons, we must begin by assessing the nature and scope of the problem that we seek to overcome. It is a
common error to assume that our challenge is limited to persuading the nuclear-armed states to alter their behavior and policies.

In reality, a larger number of states contribute to nuclear dangers and impede progress towards disarmament through policies and practices that endorse the indefinite retention and potential use of nuclear weapons. Several of these states are present today, and have spoken out against a ban.

The treaty will aim to bring these states into line with the mainstream of the international community. This, in turn, will influence also the behavior of nuclear-armed states. The treaty will challenge the notion that nuclear weapons are a symbol of status and prestige in international affairs.

Our aim must to establish the highest possible legal standard against nuclear weapons. We note the successful processes led by like-minded states to achieve the Mine Ban Treaty and Convention on Cluster Munitions, and we would warmly welcome a similar process for banning nuclear weapons.

Our working paper proposes that the negotiating process should commence in the latter part of 2016 and be concluded within two years. Much preparatory work has already taken place in various forums – including at the three conferences on the humanitarian impact of nuclear weapons.

Mr. Chairman,

We consider the prohibition and elimination of nuclear weapons to be an essential part of our broader struggle to end violence, to promote harmony and friendship among nations and peoples, to achieve justice and respect for human rights, and to ensure a safe, clean and healthy environment for the benefit of all.

As states belonging to a region that has suffered greatly from the devastating humanitarian consequences of nuclear testing, we are firmly committed to the negotiation of a nuclear-weapon-ban treaty. These weapons are immoral. They are an affront to all humanity. We must declare them illegal – now.

Thank you Mr. Chairman.