STATEMENT BY KENYA ON ELEMENTS OF EFFECTIVE LEGAL MEASURES, LEGAL PROVISIONS AND NORMS NEEDED TO ATTAIN AND MAINTAIN A WORLD WITHOUT NUCLEAR WEAPONS

Mr. Chairman,

I wish to join many other delegations to, once again, thank you for the able manner in which you are steering this second session of the “Opened Ended Working Group (OEWG) on Taking Forward Multilateral Working Nuclear Disarmament Negotiations.” I assure you of my delegation’s full support. I also thank Dr. Stuart Casey-Maslen for his insightful and stimulating presentation yesterday on this important subject.

Mr. Chairman,

My delegation has keenly followed the presentations made here by our distinguished colleagues. Though a majority of them have argued for a ban to nuclear weapons, several of them have eloquently spoken in favour of the status quo: keeping nuclear weapons as a central plank of their security doctrine.

The humanitarian costs of using these weapons far outweigh their perceived security benefits. The notion of “mutually assured annihilation” which we believe is being alluded to in arguments about the security and stability benefits of nuclear weapons has serious limitations. It implies that the only way to assure a nation of security is to acquire nuclear weapons. If this argument was valid, then nuclear states would not be encouraging non-proliferation.
We, therefore, reiterate our firm believe that weapons of mass destruction, including nuclear weapons, should not be in any country’s security doctrine. It is for this reason that Kenya has consistently supported all efforts aimed at reducing and ultimately banning nuclear weapons.

We regret to note that some delegations have sought to steer these discussions from disarmament to non-proliferation. We view this as an effort not to disturb the status quo. These forum must try to focus. We must ensure that disarmament remains at the centre of these engagement.

Mr. Chairman,

I now turn to specific proposals on elements of measures of legal measures, provisions and norms that if concluded could assist in attaining and maintaining a world free of nuclear weapons.

First, it is our believe that the negotiation and conclusion of a legally binding instrument banning nuclear weapons is necessary. If the existing instruments were adequate, then all the nations currently possessing or one way or the other handling nuclear weapons would have been declared to be in breach of international law. We do not share the view that such an instrument will in any way degrade the NPT or the CTBT.

That instrument could, include the elements identified in the Chairs synthesis paper and supported by several delegations during this session. These include development and production, acquisition, stockpiling, transfer, use, hosting, handling of nuclear weapons or nuclear weapons materials. It could also include not allowing over flight
of nuclear materials as well as not extending any assistance to any nuclear weapons related programmes or purposes.

We also suggest that the legal instrument to be negotiated include the establishment of an elaborate international monitoring mechanism. In lieu, as suggested by several others a provision could be made for the mutual assistance between with existing mechanisms such as IAEA, NPT and NPT.

These efforts should also take into account lessons learnt from previous attempts at disarmament. Discussions and implementation of instruments have been held back because some parties refused to discuss, sign or ratify them. We therefore suggest that it should be provided in the proposed instrument that participation, signature, or ratification of nuclear armed powers while desirable, is not necessary for the negotiations and conclusion of the instrument. We are also encouraged to note that similar challenges in areas such as climate change were finally overcome through focus, persistence and unity of purpose.

**Mr. Chairman,**

The conclusion of Nuclear Weapons Free Zones would for areas still not covered will definitely augment the number of areas and countries legally protected against nuclear weapons. We encourage regions still outside these umbrella to expedite work on concluding agreement on NWFZs.

Finally, I know there are those who find anything that disturbs the status quo ambitious. I believe it is prudent for us to be ambitious. That
is the only way we will make our contribution to this important, though difficult debate.

In conclusion, once again, I congratulate the chair for excellent stewardship of this important debate. We are confident that you will discharge your mandate successfully. We will support you in this task.

I thank you.