Second Session of the OEWG on Taking Forward Multilateral Nuclear Disarmament Negotiations

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Geneva, 11 May 2016

PANEL V

Mr. Chairman,

- Thank you for organizing our work today to closely examine possible pathways to take forward multilateral nuclear disarmament negotiations in keeping with the mandate of this OEWG, in particular OP 2 of Resolution 70/33 and for kick-starting our exchange of views on this topic with an expert presentation by Dr. Nick Ritchie.

- Dr. Ritchie, let me join other delegations in warmly welcoming your comprehensive and exceptionally insightful presentation this morning. You have provided us with some key ideas for consideration, as we seek to unpack or flesh out our understanding of the four approaches that we identified to date. And as Dr. Ritchie said the underlying preference for choosing a particular approach.

- The brief description of the main pathways summarized in the Chair’s Synthesis Paper and elaborated in several working papers is a useful contribution to today’s exchange of views. As has been already noted by the Chair and several delegations, the IPLI/UNDIR study has been a rich source of technical information and analysis for this OEWG and we find Chapter 3 on “Approaches to Eliminating Nuclear Weapons” particularly relevant to today’s discussion. We also find Dr. Rebecca Johnson’s presentation at the first session of the OEWG on 22 February entitled “Effective Measures: possible pathways towards a nuclear-weapon-free world” to be a very useful contribution to our discussions.
Mr. Chairman,

- My delegation will contribute to this exchange of view within the context of two guiding questions you have put forward for this segment. With respect to the first question on what are the pro and cons of the possible pathway or approaches in taking forward multilateral nuclear disarmament negotiations and under what circumstances could they be pursued, we note that in our exchanges over the past two days on essential elements, several delegations, including my own, have touched on some of the pro and cons of at least two of the approaches identified. As Dr. Ritchie has pointed out in his presentation, these two approaches in essence focus on i) achieving limited and possibly deep devaluing of nuclear weapons and the practice of nuclear deterrence (step-by-step approach) and ii) delegitimizing these weapons (humanitarian/prohibition approach).

- Furthermore, as Mexico pointed out in its Working Paper (WP.17), exchanges of point of views on pathways or approaches have already made a substantive contribution to the discussion on how to achieve nuclear disarmament.

- A key consideration that you have highlighted in your Synthesis Paper, as we thoroughly explore/unpack the four distinct approaches is that they are not necessarily mutually exclusive. This point has been repeatedly made by a number of delegations. Another key consideration is that of “effectiveness” while questions around “pace” and “sequence” are seen as the source of divergences in building a common understanding of the concrete effective legal measures to attain and maintain a world without nuclear weapons and to take forward multilateral negotiations to such end. There is of course legitimate concerns that the latter considerations (sequence and pace) are being used to delay nuclear disarmament negotiations by also conditioning the beginning of negotiations to a certain pathway.

- Mr. Chairman, against this backdrop and to allow for further a critical thinking and understanding of these approaches, paragraph 26 of your Synthesis Paper provides a
possible set of criteria for evaluating the feasibility and effectiveness of the various approaches. For each approach, you have noted that such criteria could include five key aspects: i) scope and content; ii) required membership; iii) normative value; iv) maturity and v) potential to contribute to achieving and maintaining a world without nuclear weapons. However, we note the pertinent point made in Mexico’s Working Paper (WP.17) that the utility of a legally-binding instrument be considered according to the only objective criteria of assessment: the element or elements that it includes (its scope).

- In the course of the past two days in the consideration of essential elements, Jamaica has focused its comments largely on the ban treaty approach not only as a key concrete effective legal measure to attain and maintain a world without nuclear weapons, but as the most viable approach to take forward multilateral nuclear disarmament negotiations- the mandate of this OEWG.

- So how did we arrive at this conclusion? What are the pros and cons of prohibition/ban treaty approach we are advocating, and under what circumstances could its negotiations be pursued?

- The rationale for Jamaica’s decision to pursue the ban treaty approach is comprehensively articulated/reflected in the working paper submitted by the Community of Latin America and the Caribbean (CELAC), entitled “CELAC Proposal on Effective Legal Measures to Attain and Maintain a World without Nuclear Weapons” (WP. 15).

- In this working paper, CELAC states have reiterated our concern that the world continues to live under the constant threat of a nuclear war and the catastrophic humanitarian consequences of a nuclear weapons detonation would affect the planet as a whole, irrespective of the region in which takes place. Such risk continues to exist mainly because a few countries still regard nuclear weapons as legitimate guarantors of stability and security. We are particularly concerned that these countries fail to acknowledge that nuclear weapons provide a false sense of security. In fact, nuclear weapons constitute nowadays
the most immediate threat to the survival of the human species and the very existence of our world. In CELAC’s view, it is unacceptable that nuclear weapons remain the only weapons of mass destruction not yet comprehensibly prohibited.

• CELAC has long acknowledged the threat posed by nuclear weapons. In fact, the longstanding and practical commitment of our region towards a nuclear weapons free world predates, by several decades, the creation of our Community. CELAC member States are parties to the pioneering regional prohibition treaty that gave rise to the first Nuclear Weapon-free-zone in a densely populated region, i.e. the Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco Treaty) - Jamaica proudly became a State Party in 1969.

• As the current Secretary-General of OPANAL, Ambassador Luiz Filipe de Macedo Soares, pointed out in his statement to the 69th session of the First Committee in 2014, Latin America and the Caribbean brought to world peace and security an inestimable and truly innovative contribution. A space equivalent to 20 million square kilometers, which is home to about 600 million people, has been kept free of nuclear weapons. A very pertinent point that Ambassador Macedo Soares also made is that “Latin America and the Caribbean may not be a Shangri-La, but it is important to note that no significant crisis affecting world peace and security has arisen there since many years. Not a single country in the region is party to any military alliance based on nuclear weapons”. These are the credentials for Latin America and the Caribbean to be increasingly active and outspoken in the debates and initiatives (including this OEWG) in favour of a world free of nuclear weapons.

• As stated in the preamble of the Treaty of Tlatelolco, “the privileged situation of the Signatory States, whose territories are wholly free from nuclear weapons, imposes on them the inescapable duty of preserving that situation both in their own interests and for the good of mankind”. Jamaica takes this duty seriously.
• By choosing to prohibit and prevent the "testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons" and the "receipt, storage, installation, deployment and any form of possession of any nuclear weapons", the States Parties to the Tlatelolco Treaty reaffirmed our collective view that there are more rational alternatives in addressing security concerns than to rely on doctrines of so-called strategic stability and nuclear deterrence, which are based upon the constant threat of mutual annihilation.

• Furthermore, based on the firm conviction that the use or threat of use of nuclear weapons would be a violation of the Charter of the United Nations, a crime against humanity, and at the same time a violation of International Law, including Humanitarian Law, CELAC member States have decided, at the level of Heads of States and Government, to join the efforts by the international community to advance towards the negotiation of a universal legally binding instrument prohibiting the possession, development, production, acquisition, testing, stockpiling, transfer, use and threat of use of nuclear weapons.

• For the aforementioned reasons, the Community believes that a global prohibition on nuclear weapons can contribute to attaining and maintaining a world without nuclear weapons and proposes that this OEWG recommend to the UNGA to begin a multilateral process for the negotiations of a legally binding instrument for the prohibition of nuclear weapons towards their total elimination.

• In assessing the utility of ban treaty approach that we are advocating, we return to Mexico’s point that the utility of a legally-binding instrument be considered according to the only objective criteria of assessment: the element or elements that it includes (its scope). As it relates to the ban treaty, in the past two days, substantive contributions were made in identifying and elaborating on the elements for the scope/content of a legally-binding instrument prohibiting nuclear weapons. At the conclusion of our discussions yesterday, it was noted that there were no objections to the elements identified.
Just to briefly touch on the criteria concerning potential of an approach to contribute to achieving and maintaining a world without nuclear weapons, as highlighted in CELAC working paper, CELAC countries believe that the prohibition of nuclear weapons will set a norm which should be followed by other efforts and negotiations towards the achievement and maintenance of a world without nuclear weapons. Furthermore, it would have a political as well as a legal impact on nuclear disarmament.

Assessed against the criteria put forward in Dr. Johnson presentation on what would constitute effective legal measures, the ban treaty is the next logical step on the path to a nuclear weapons free world as “it would clarify the legal status of nuclear weapons use and obligations beyond the ambiguities in the NPT and the 1996 ICJ opinion. In so doing, it would create a much stronger norm against nuclear weapons use and possession, stigmatizing the weapons and their advocates and undercutting the problematic status, value and deterrence roles attached to current arsenals”.

Turning now to the question concerning under what circumstances could the negotiations of a legally binding instrument on prohibition be pursued? Firstly, CELAC states see no reason why a universal prohibition of nuclear weapons should not be pursued immediately. In our view we must not wait to witness once again the catastrophic consequence of a detonation of a nuclear weapon before we decide to start negotiations on a treaty prohibiting nuclear weapons.

Secondly, the negotiation of such an instrument should be open to all States and its entry into force should not depend on the ratification by nuclear armed states. CELAC is committed, at the highest political level, to open and transparent negotiations for the prohibition of nuclear weapons through a legally binding instrument.

The Community is fully aware that the prohibition is not a substitution to the total elimination of nuclear weapons. CELAC express strong support to the complete elimination
of nuclear weapons. Measures leading up the total elimination of nuclear weapons could assume many forms; they must include, however, the obligation to eliminate current nuclear arsenals in a transparent, verifiable and irreversible manner, within a multilaterally agreed timeframe, as well as specific obligations dealing with the production and existing stockpiles of weapons' grade fissile material.

- Mr. Chairman, I wish to turn to make some brief comments on the Progressive Approach—formerly the step-by-step; building block approach—which although it has undergone a name change, regrettably it has not offered any new ideas or thinking how to move nuclear disarmament forward, at least not in the context of this OEWG. This approach is well-known to us and for far too long has enjoyed our unconditional support without delivering on the universally shared goal in disarmament resulting in the elimination of all nuclear weapons.

- Let me emphasise for the record that there is no reason any delegation participating in the OEWG cannot support the measures proposed in the “progressive approach”. We have already agreed to such measures – in the 2010 NPT Action Plan, in the 13 steps in 2000, and on other occasions.

- However, let us imagine that the OEWG recommended these measures and nothing else (say, for example, the OEWG adopted the contents of WP.9 as its agreed outcome). What would we have achieved by agreeing on what we have already agreed? How would this contribute to “taking forward multilateral nuclear disarmament negotiations”? Can it achieve the social change that Dr. Ritchie spoke about?

- The steps or building blocks that make up the “progressive approach” are all perfectly sensible, and would indeed be “effective measures” if they were taken. But they have not been taken – some for over 20 years now – so there is simply no way they can be considered as “effective”. Agreeing to recommend them yet again will not change this.
• Rather, the OEWG needs to make recommendations that go beyond what has already been agreed. The OEWG should therefore focus on new steps that can be taken, even without the participation of the nuclear-armed states.

• Negotiation of a treaty banning nuclear weapons as we have already extensively highlighted is one such step. This step can and should be pursued alongside the measures of the “progressive approach”, and will help to move those measures forward.

• It is therefore misleading to speak, as some delegations have, of diverging views at the OEWG, or of discussion on parallel tracks. We can all support the “progressive approach”, and we can all agree that further measures – such as the new treaty proposed by many delegations – should also be pursued.

• With this in mind, and because after 20 years we are all very familiar with the well-worn components of the “progressive approach”, it would be most useful to spend our remaining meeting time in exploring in more detail what these additional measures will involve.

• In particular, it would be helpful to hear from the sponsors of the “progressive approach” their specific concerns and apprehensions about the various proposed elements of a treaty banning nuclear weapons. Which provisions would pose the greatest problems, for example, for states that are members of nuclear alliances?

• I am confident that pursuing such a discussion will allow us to allay a number of misplaced fears about such a treaty, as well as to develop a collaborative approach to addressing our genuine concerns. This bring to mind the pertinent observation made by Tim Caughley in his presentation to the OEWG on 22 February 2016 and I quote “attaining and maintaining a world without nuclear weapons, as specifically envisaged by the OEWG, is not a question of when. If logic and principle and multilateralism count for anything, this Working Group should be equal to the challenge”.

Thank you.