Report of the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

I. Introduction

1. Deeply concerned about the catastrophic humanitarian consequences of any use of nuclear weapons, the General Assembly adopted resolution 67/56 entitled “Taking forward multilateral nuclear disarmament negotiations”. By paragraphs 1 and 2 of its resolution 67/56, the General Assembly decided to establish an Open-ended Working Group, to convene in Geneva in 2013 for up to 15 working days, within available timeframes, with the contribution of international organizations and civil society, in accordance with established practice, to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.

2. By paragraph 3 of its resolution 67/56, the General Assembly further decided that the Open-ended Working Group would submit a report on its work, reflecting discussions held and all proposals made, to the General Assembly at its sixty-eighth session, which will assess its work, taking into account developments in other relevant forums.

II. Organizational matters

A. Opening and duration of the sessions

3. Pursuant to the provisions of paragraph 2 of resolution 67/56 of the General Assembly, the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, held an organizational meeting on 14 March and substantive meetings from 14 to 24 May, on 27 June and from 19 to 30 August 2013.
4. The Geneva Branch of the Office for Disarmament Affairs provided the Secretary and substantive support to the Open-ended Working Group.

5. The organizational meeting was opened by the Director of the Geneva Branch of the Office for Disarmament Affairs who conducted the election of the Chairperson of the Open-ended Working Group.

B. Officers

6. At its organizational session, on 14 March, the Open-ended Working Group elected by acclamation H.E. Mr. Manuel B. Dengo, Ambassador and Permanent Representative of Costa Rica to the United Nations Office in Geneva as Chairperson of the Working Group. He was assisted by Friends of the Chair from Austria, Australia, Brazil, Canada, Egypt, Finland, Ghana, Kenya, Mexico, Netherlands, New Zealand and Switzerland.

C. Adoption of the agenda and participation

7. At its organizational meeting, on 14 March, the Open-ended Working Group adopted its agenda (A/AC.281/1), as follows:

   1. Opening of the Session.
   2. Election of the Chairperson.
   3. Adoption of the agenda.
   4. Organization of Work.
   5. Develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.
   6. Report to the General Assembly at its sixty-eighth session.
   7. Any other business.

8. At its organizational meeting, the Open-ended Working Group also decided on the modalities for the broad participation of the representatives of the international organizations and civil society in the work of the Working Group.

D. Documentation

9. The Open-ended Working Group had before it the following documents:

   (a) Agenda (A/AC.281/1)

   (b) Perceptions and views on nuclear disarmament: addressing differences and bridging gaps (A/AC.281/WP.1)

   (c) Proposal for practical actions to achieve nuclear disarmament (A/AC.281/WP.2)

   (d) List of ideas, elements and proposals raised during the May meetings of the Open-ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations (A/AC.281/WP.3)

   (e) Building Blocks for a world without nuclear weapons (A/AC.281/WP.4)
III. Proceedings of the Open-ended Working Group

A. General

10. In accordance with its mandate as contained in resolution 67/56 of the General Assembly and pursuant to its agenda, the Open-ended Working Group addressed, in an open, constructive and transparent manner, various issues related to nuclear disarmament, including *inter alia*, the status and role of nuclear weapons in the current security context, the elements and approaches to take forward multilateral nuclear disarmament negotiations, possible ways to achieve and maintain a world free of nuclear weapons and complete elimination of nuclear weapons.

11. In a series of meetings of the Open-ended Working Group, participants expressed their points of view on a range of issues, including current status of and future prospects for
nuclear disarmament and multilateral nuclear disarmament negotiations, existing commitments and initiatives, elements to consider in and the possible approaches to multilateral nuclear disarmament negotiations, the respective roles and responsibilities of all actors, and other aspects to be addressed for the achievement and maintenance of a world without nuclear weapons.

12. As mandated by the General Assembly, the work of the Open-ended Working Group was conducted in a deliberative and inclusive manner and, without prejudice to the eventual outcome and national positions, allowed for frank and constructive discussion on ways to take forward multilateral nuclear disarmament negotiations.

B. Taking stock of the existing unilateral, bilateral and multilateral nuclear disarmament commitments as well as of nuclear disarmament proposals that have already been put forward; and aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations.

13. In order to take stock of the existing unilateral, bilateral and multilateral nuclear disarmament commitments and proposals that had already been put forward, as well as of the aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations, the Open-ended Working Group held informal thematic discussions moderated by the Friends of the Chair, as follows:

(a) **Multilateral Treaty Based Obligations and Commitments**
   Moderator: H.E. Mr. Peter Woolcott (Australia)
   Panelists: Ms. Theresa Hitchens (UNIDIR), Ms. Beatrice Fihn (Reaching Critical Will), Mr. Ward Wilson (James Martin Centre for Non-Proliferation Studies)

(b) **Towards a world free of nuclear weapons**
   Moderator: Mr. Paul Wilson, (Australia)
   Panelists: Ms. Gaukhar Mukhatzhanova (James Martin Centre for Non-Proliferation Studies), H.E. Ms. Gioconda Ubeda (OPANAL)

(c) **Other initiatives and proposals**
   Moderator: H.E. Ms. Elissa Golberg (Canada)
   Panelists: Mr. Jarmo Sareva (UNODA), Mr. Thomas Nash (Article 36)

(d) **Lessons learned: Transparency, confidence building and verification**
   Moderator: Mr. Mark Versteden (Netherlands)
   Panelists: Mr. Anders Persbo (VERTIC), Mr. Pavel Podvig (UNIDIR), Mr. Jean Pascal Zanders (EUISS)

(e) **Perspectives on the necessary framework to achieve and maintain a nuclear weapons free world**
   Moderator: H.E. Mr. Anthony Andanje (Kenya)
   Panelist: Ms. Rebecca Johnson (Acronym Institute for Disarmament)

(f) **A conversation on International Law relevant to the use of nuclear weapons**
C. General Exchange of Views

14. At its meetings on 14 and 15 May, the Open-ended Working Group held a general exchange of views. Statements were made by the representatives of Algeria, Austria, Belarus, Brazil (on behalf of the New Agenda Coalition), Belgium, Canada, Colombia, Cuba, Egypt, Germany, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Madagascar, Mexico, Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland, and Turkey. Statements were also made by Mayors for Peace and Women's International League for Peace and Freedom (on behalf of the International Campaign to Abolish Nuclear Weapons, ICAN).

15. At the meeting on 27 June, the High Representative for Disarmament Affairs delivered a statement.

D. Developing proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

16. At the meetings of the Open-ended Working Group on 27 June and 19 and 20 August, working papers containing proposals were introduced by Austria, Cuba, Egypt (on behalf of the New Agenda Coalition – Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa), Iran (Islamic Republic of), Japan (on behalf of Australia, Belgium, Canada, Denmark, Finland, Germany, Italy, Japan, Netherlands, Poland, Portugal, Slovakia and Sweden), Malaysia (on behalf of Costa Rica and Malaysia), Mexico, and jointly by Ireland and Switzerland. A list of ideas, elements and proposals raised during the meetings of the
Open-ended Working Group was also compiled and introduced by the Chairperson. Papers containing proposals were also submitted by Reaching Critical Will, Basel Peace Office, Mayors for peace, Nuclear Age Peace Foundation and UN Youth Association of Romania.

17 In addressing the proposals submitted for consideration in accordance with its mandate, the Open-ended Working Group focussed, in particular, on the following topics:

(a) Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by the Chairperson;

(b) Elements to consider in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by Mr. Mohamed Hatem El-Atawy (Egypt);

(c) Reviewing the role of nuclear weapons in the security context of the twenty first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by Ms Kelly Anderson (Canada);

(d) The role of International Law to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by Mr. Roland Sturm (Austria);

(e) The role of States and other actors in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by Mr. Laurent Masmejean (Switzerland);

(f) Other practical action that could contribute to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, moderated by Mr. Alexander Ben-Acquaah (Ghana).

IV. Discussions held and proposals made

18. During the Open-ended Working Group participants engaged in interactive, open, and constructive discussions on substantive aspects of multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. Participants recognized the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade and emphasized the importance and urgency of substantive progress on priority disarmament and non-proliferation issues. Throughout these discussions, as well as in working papers presented to the Open-ended Working Group, State representatives, international organizations, and civil society presented a breadth of views and proposals. They are reflected in the following paragraphs without prejudice to national positions, or priority, or attempting to be comprehensive or exhaustive. The details of the discussions held and proposals made at the Open-ended Working Group can be found in the statements made, working papers submitted and other conference documents.

A. Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

19. In addressing the ways to take forward multilateral nuclear disarmament negotiations, the Open-ended Working Group discussed the current status, perspectives and challenges to nuclear disarmament.
20. The Open-ended Working Group participants affirmed that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons. Several approaches towards this goal were discussed, including an action plan for a nuclear-weapons free and non-violent world to attain the goal of nuclear disarmament in a universal, time bound, non-discriminatory, phased and verifiable manner; the step-by-step approach of mutually reinforcing and progressive steps leading to the full and complete elimination of nuclear weapons; the comprehensive approach for a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear weapons convention, to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and provides for their destruction; a legally binding framework committing all States to a world without nuclear weapons comprising mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks; and, a “building blocks” approach - a set of mutually reinforcing unilateral, bilateral, plurilateral and multilateral elements and not implying conditionality and without prejudice to a timeframe.

21. The Group emphasized, however, that notwithstanding the approach the international community would decide to follow, in order to move forward on nuclear disarmament and ultimately to eliminate the risk of the catastrophic humanitarian consequences from the use of nuclear weapons, the international community should focus on common ground and not on differences.

B. Elements to consider in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

22. The Group discussed the relation between the elements needed to take forward multilateral nuclear disarmament negotiations to achieve and maintain a world without nuclear weapons. While recognizing the inter-relation between the method and the elements, delegations suggested that there are elements that need to be addressed regardless of the method employed. It was also proposed that the method would determine the elements.

23. The multilateral nature of negotiations for achieving and maintaining a world without nuclear weapons was discussed as well as unilateral, bilateral and plurilateral initiatives.

24. Discussion was also conducted on how to group the elements needed for the establishment and the elements needed for maintenance of a world without nuclear weapons. Several alternatives were explored in grouping elements that varied from the stage of achieving and maintaining a world without nuclear weapons (end state/interim measures) to the timeframe of their development (short/medium/long term elements) to their nature (political confidence building measures/legally binding instruments).

25. The Open-ended Working Group discussed the need for full, effective and non-discriminatory implementation of existing disarmament and non-proliferation obligations and commitments, including the Treaty on the Non-Proliferation of Nuclear Weapons and the outcome of its review conferences. In this context, the Group discussed the realization of the unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all NPT States Parties are committed under Article VI.
26. The Group discussed the mutually reinforcing nature of nuclear disarmament and non-proliferation, in all its aspects. The Group discussed the affirmation of vertical and horizontal non-proliferation commitments.

27. During discussions, statements and in working papers submitted, participants considered the importance of pursuing elements to take forward multilateral nuclear disarmament negotiations for achieving and maintaining a world without nuclear weapons in totality and without preconditions or hierarchy. While stressing the need to apply the principles of transparency, verifiability and irreversibility for achieving and maintaining a world without nuclear weapons, the following elements were raised. These include political measures and legal instruments that could be established and implemented, such as:

- Affirming the unequivocal commitment to the goal of complete elimination of nuclear weapons and the need for an agreed framework to this end.
- Maintaining or declaring a moratorium on the production of fissile material for nuclear weapons or other explosive device purposes, and the conversion of installations for peaceful purposes and under international verification.
- Maintaining or declaring a moratorium on nuclear weapons tests, development of new types of nuclear weapons or upgrading current nuclear-weapon systems.
- Reducing the role of nuclear weapons in national and alliances’ military and security doctrines/postures/strategies towards their complete elimination.
- Maintaining or declaring no-first use of nuclear weapons.
- Removing of nuclear weapons from territories of non-nuclear-weapon States.
- Designating fissile material no longer required for military purposes and the development of legally binding verification and arrangements, within the context of the IAEA, to ensure the irreversible removal of such fissile material.
- Enhancing the role of nuclear-weapon-free zones, by removing the conditionalities and reservations that have been imposed by nuclear weapon States, and broadening their reach by establishing new zones where they do not already exist, particularly in the Middle East; as well as national legislation prohibiting nuclear weapons.
- Increasing transparency and providing a clear baseline to measure progress of nuclear disarmament, including a complete inventory of nuclear stockpiles, nuclear warheads, delivery systems, and fissile material for nuclear weapons. Participants discussed the importance of regular reporting in this context with a uniformed format.
- Enhancing measures towards the security of nuclear weapons and to reduce the operational readiness of nuclear-weapons systems, including through the development of legal instruments and other measures, to minimize the possibility of nuclear detonations, whether intentional, accidental or as a result of miscalculation.
- Implementing measures to reduce nuclear danger.
- Developing verification tools, capabilities and mechanisms to be utilized towards the establishment and maintenance of a world without nuclear weapons.
- The universalization of the Treaty on the Non-Proliferation of Nuclear Weapons.

28. The Open-ended Working Group also discussed measures consisting of legally binding instruments towards achieving a world without nuclear weapons to be implemented in an interim phase. These variably included:
A clear, legally binding universal and non-discriminatory multilateral commitment, on the part of all States, to the goal of nuclear disarmament, with clearly defined benchmarks and timelines.

Progressive, uninterrupted and irreversible reduction of nuclear arsenals, anywhere and of any type, with clear benchmarks and timelines accompanied by an international verification regime and the placement of all nuclear facilities under such a regime.

A multilateral legally binding instrument dealing with all aspects of testing of nuclear weapons and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

A multilateral legally binding instrument dealing with fissile material. Options discussed included:

- A Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
- A Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and dealing with existing stocks of such material and to dismantle or convert to peaceful uses facilities and related equipment for the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

The provision of legally binding negative security assurances against the use or threat of use of nuclear weapons to non-nuclear weapons States.

Bilateral or plurilateral legal arrangements between nuclear-weapon States.

A legally binding instrument on the no-first use of nuclear weapons.

The Group considered elements necessary for maintaining a world without nuclear weapons once achieved. Towards this end, the following elements were identified:

- Complete elimination of nuclear weapons and nuclear weapons material and its verification.
- Prohibition of the use or threat of use of nuclear weapons.
- Prohibition of the possession, stockpiling, development or transfer of nuclear weapons.
- Prohibition of the production of or the use of already existing fissile material for nuclear weapons and placing all such fissile material under international safeguards.
- Prohibition of nuclear-weapons tests in all their forms, including both supercritical and subcritical tests.

Reviewing the role of nuclear weapons in the security context of the twenty first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

The Group discussed the importance of examining the role of nuclear weapons in the security context of the twenty first century.

In addressing the role of nuclear weapons, participants considered broader and more multi-dimensional definitions of collective security that take into account, inter alia, humanitarian issues and developmental goals. The humanitarian impact of nuclear weapons was put forward as a cross-cutting issue that affects all elements of the disarmament
agenda. Participants also spoke to the need to examine the nature of security in the twenty first century and questioned whether nuclear weapons met these needs. Devaluing nuclear weapons and questioning the effect of deterrence postures were discussed.

32. Participants discussed the need to take into account the security perceptions of States possessing nuclear weapons and to build dialogue, trust and confidence among these States. Proposals were made with regard to reducing the salience of nuclear weapons in existing security doctrine. The need for engagement between non-nuclear weapons states and those possessing nuclear weapons was also raised.

33. Proposals covered a range of activities from unilateral reductions in tactical, strategic and non-deployed nuclear warheads to their full elimination through a multilaterally negotiated process. Participants also made proposals addressing the prevention of modernization of existing nuclear arsenals and the development of new weapons.

D. The role of international law to take forward multilateral nuclear disarmament negotiations for the achievement and the maintenance of a world without nuclear weapons

34. The Open-ended Working Group considered the contribution of international law to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. The Group considered the gaps in the existing international legal framework.

35. The Group discussed options to fill the legal gaps in achieving the objective of a world without nuclear weapons, including in the current international legal framework, through a multilateral legal instrument, or several instruments, complementary to existing ones. Participants discussed whether such an instrument or instruments, should be universal and prohibit the development (including modernisation) of nuclear weapons, testing in all its forms of nuclear weapons, production of nuclear weapons, production of or use of existing fissile material for nuclear weapons, possession and stockpiling of nuclear weapons, transfer of nuclear weapons as well as the use and threat of use of nuclear weapons. In this context, the option of a treaty banning nuclear weapons was discussed.

36. Taking into account past efforts of unilateral and bilateral nuclear arms control and disarmament measures, delegations discussed a number of concrete multilateral nuclear disarmament measures to be undertaken through legally binding instruments and with a defined timeframe. Also, the verification regime for nuclear disarmament established through legally binding instruments was discussed.

37. In order to take forward multilateral nuclear disarmament negotiations for achieving and in particular maintaining a world without nuclear weapons, delegations discussed the extension of the application of the safeguards regime to all States.

38. The Open-ended Working Group considered the supportive nature of other legal norms, both existing and proposed ones, for global nuclear disarmament efforts. Also, the Group addressed the legality and legitimacy of nuclear weapons. In this context, the stigmatisation of nuclear weapons and its legal implications were discussed.

39. The Group discussed the evolution of international law since the 1996 International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, including in the areas of international humanitarian law, human rights law and environmental law, and the potential implications for taking forward multilateral nuclear disarmament negotiations. The Group further discussed the evolution of international criminal law as related to the use or threat of use of nuclear weapons. The Group discussed
the idea of undertaking a study of the evolution of international law relevant to the achievement of a world without nuclear weapons, including in the areas of international humanitarian law, human rights law, environmental law and in the legal realm of the International Criminal Court.

E. The role of States and other actors in taking forward multilateral nuclear disarmament for the achievement and maintenance of a world without nuclear weapons

40. The Group addressed the role of States and other actors in taking forward nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. It addressed in particular whether States have common or different roles to play.

41. The Group noted that achieving a world without nuclear weapons is a shared responsibility of all States, notably in the light of the catastrophic humanitarian consequences of nuclear weapons. The Group also noted that while this responsibility is shared and collective, States have differentiated roles and functions.

42. The Group shared the view that non-nuclear-weapon States have a role in promoting global nuclear disarmament. The Group also considered that nuclear-weapon States, in particular those with the largest nuclear arsenals, bear a special responsibility in the tasks of achieving nuclear disarmament, including implementing effective measures relating to nuclear disarmament.

43. The Group discussed the role of parliamentarians, pertinent international organizations, in particular the United Nations and associated bodies, civil society and academia as actors in taking forward multilateral nuclear disarmament negotiations. In addressing nuclear weapons as a humanitarian and human security issue, the Group considered that States should build partnerships with a wide range of actors.

44. In discussing proposals, the Group explored the role of non-nuclear-weapon States in challenging the status and the value attached to nuclear weapons. The role of non-nuclear-weapons States under extended nuclear deterrence guarantees in reducing the salience of nuclear weapons in security doctrines was discussed. The Group also discussed the role of nuclear-weapon-free zones in challenging the value and legitimacy of nuclear weapons and the potential for greater cooperation among the nuclear-weapon-free zone for promoting nuclear disarmament.

F. Other practical actions that could contribute to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

45. The Group discussed the need to continue to address nuclear disarmament in various fora, including the General Assembly of the United Nations, the Conference on Disarmament, the Review process of the Treaty on the Non-Proliferation of Nuclear Weapons and in High Level Meetings or Summits.

46. The Open-ended Working Group discussed the role of education for promoting progress towards nuclear disarmament. Participants highlighted the contributions education could make in raising understanding about different dimensions of nuclear disarmament, including humanitarian, economic, and environmental consequences of nuclear weapons.

47. The Group considered the need to continue to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124),
including reporting on a bi-annual basis of their efforts in this regard. Participants also
discussed making greater use of new communications and information technology to
disseminate educational materials and raise awareness in the general public, particularly
amongst young people.

48. Participants discussed the reallocation of funding from nuclear weapon programmes
to other areas, inter alia economic development, nuclear disarmament and disarmament and
non-proliferation education. In addressing the issue of divestment of nuclear weapons, the
Group discussed the role of the public and private sectors.

49. The Group discussed the impact of anti-ballistic missile defence systems and the
prevention of arms race in outer space on nuclear disarmament.

50. The Group discussed the need for further work on all issues related to taking
forward multilateral nuclear disarmament negotiations for the achievement and
maintenance of a world without nuclear weapons addressed during the Open-ended
Working Group.

V. Adoption of the report

51. At its meetings on 22, 28, 29 and 30 August, the Open-ended Working Group
considered agenda item 6 entitled “Report to the General Assembly at its sixty-eighth
session”.

52. At its final meeting on 30 August, the Open-ended Working Group adopted its
report as contained in A/AC.281/L.1/Rev.1 and A/AC.281/L.2, as orally amended.