



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**Geneva 2013**

Item 5 of the agenda

Develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons**Achieving a nuclear weapon free world****Submitted by Reaching Critical Will, a programme of the Women's International League for Peace and Freedom and a partner of the International Campaign to Abolish Nuclear Weapons**

1. Reaching Critical Will welcomes the working papers and informal papers submitted by states to the Open-ended Working Group on nuclear disarmament.
2. The Reaching Critical Will programme believes that in order to achieve substantive progress, the Open-ended Working Group on nuclear disarmament should explore concrete ways to re-shape and re-invigorate the debate about nuclear weapons in order to achieve a nuclear weapons free world.
3. Focusing in particular on the humanitarian impact of nuclear weapons, as has been done since the 2010 nuclear Non-Proliferation Treaty (NPT) Review Conference, underscores the urgency of concerted action for the complete prohibition and elimination of such weapons.
4. As a member of the International Campaign to Abolish Nuclear Weapons (ICAN), Reaching Critical Will asserts that the catastrophic consequences of nuclear weapons provide a clear rationale for negotiating a ban on nuclear weapons.

A treaty banning nuclear weapons¹

5. Nuclear weapons are the only weapons of mass destruction not yet prohibited by an international convention. International law obliges all states to pursue in good faith and conclude negotiations for nuclear disarmament and cessation of the arms race. A global ban on nuclear weapons is long overdue.

6. The nuclear-armed states have not yet presented an effective roadmap to achieve a nuclear weapons free world. The step-by-step agenda outlined in the working paper submitted by Japan on behalf of several countries reliant on nuclear weapons (A/AC.28/WP.4) has been in place since the 1960s. Little to no progress has been seen on these items; most face either domestic or international stalemate. In the meantime, all nuclear-armed states are investing in and planning for the modernization of their nuclear arsenals, delivery systems, and related infrastructure. Judging by the current pace of implementation of existing commitments for nuclear disarmament, nuclear-armed states will continue to retain and rely on these weapons for decades to come.

7. A ban on nuclear weapons would not only make it illegal for all states to use or possess nuclear weapons; it would also help pave the way to their complete elimination. Thus, negotiations on a treaty banning nuclear weapons should be undertaken by committed governments now—even without the participation of the nuclear-armed states. Nuclear-free states have long complained about the lack of progress on nuclear disarmament. These states make up the overwhelming majority; working effectively together, with the support of their publics, they could put in place a global legal prohibition of nuclear weapons what would stigmatize the weapons, provide an impetus for financial institutions to divest from companies involved in nuclear weapons production, and build pressure for disarmament.

8. A nuclear weapons ban would serve to globalize nuclear weapon free zones. It would allow states in any part of the world to formalize their rejection of nuclear weapons and help create a clear international legal norm against the possession of these weapons. While the International Court of Justice ruled in 1996 that the threat or use of nuclear weapons would generally be contrary to the rules of international law, and while the nuclear Non-Proliferation Treaty (NPT) prohibits the proliferation of nuclear weapons, neither creates a clear, non-discriminatory prohibition against the research, development, manufacture, testing, possession, deployment, or use of nuclear weapons. A treaty banning nuclear weapons would do so.

9. Such a treaty would complement and reinforce the NPT, its safeguards system, and other instruments such as the Comprehensive Test Ban Treaty. It would fulfill NPT state parties' obligations under article VI of the NPT and build upon that Treaty's obligation to eliminate nuclear weapons.

10. A treaty banning nuclear weapons would stimulate their elimination by influencing changes in security doctrines and paving the way for disarmament. Like the biological and chemical weapons conventions, a nuclear weapons ban would allow nations with stockpiles of these weapons to join so long as they agree to eliminate them within a specified time frame. Once such nations have joined, agreements could be developed over time to ensure that stockpiles are destroyed in a verifiable and irreversible manner.

11. The ban treaty itself need not necessarily envisage every complex step towards elimination by all nations. Instead it would put in place the basic framework for reaching

¹ For more details and answers to “frequently asked questions” about a nuclear weapon ban treaty, please see ICAN’s publication *Ban Nuclear Weapons Now* (June 2013) at <http://www.icanw.org/wp-content/uploads/2012/08/BanNuclearWeaponsNow.pdf>.

that goal and would powerfully challenge any notion that possessing nuclear weapons is legitimate for particular states.

Recommendations for the Open-ended Working Group on nuclear disarmament

12. Reaching Critical Will encourages Open-ended Working Group on nuclear disarmament participants to deliberate on a treaty banning nuclear weapons as a constructive and effective path towards the elimination of nuclear weapons and maintenance of a nuclear weapons free world.

13. Some states have submitted their own preferred “roadmaps” for disarmament, based largely on long-standing positions negotiated amongst groups of states. We encourage all countries to “think outside the box” and submit fresh, innovative ideas for breaking the ongoing stalemate in nuclear disarmament. In particular, we encourage OEWG participants to deliberate on what measures that can be taken now, even without the participation of all nuclear-armed states.

14. To this end, we welcome the suggestion in Austria’s informal paper submitted on 27 June 2013, that the Open-ended Working Group on nuclear disarmament could challenge the patterns of attaching value and status to nuclear weapons. We also welcome Mexico’s suggestion, in its informal paper of 27 June 2013, that delegations should discuss what legal instruments are needed to maintain a world free of nuclear weapons, and assess which of these currently exist and which would need to be developed. These actions could be realistically undertaken by the Open-ended Working Group on nuclear disarmament and would contribute to creating a more conducive climate for achieving substantial progress on nuclear disarmament.

15. We also encourage Open-ended Working Group on nuclear disarmament participants to analyze the concepts of nuclear reliance and “umbrellas” and the challenges they mount to nuclear disarmament. Participants could submit recommendations for overcoming these challenges. In particular, those countries that have nuclear weapons as part of their security policies should submit information on what they would need in order to consider relinquishing their support for nuclear weapons, and in what circumstances they would envisage the use of nuclear weapons.

16. The Open-ended Working Group on nuclear disarmament could also review tools of international law relevant to nuclear weapons, including international humanitarian law, human rights law, the International Criminal Court, and the doctrine of responsibility to protect.

17. Finally, we encourage the Open-ended Working Group on nuclear disarmament to recommend to the General Assembly that its mandate be extended through 2014 in order to further develop a concrete work plan for nuclear disarmament.