



# OEWG REPORT

*Civil society perspectives on the open-ended working  
group on nuclear disarmament  
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Reaching Critical Will

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## EDITORIAL: A HISTORY OF (MASSIVE NUCLEAR) VIOLENCE

Ray Acheson | *Reaching Critical Will of WILPF*

Addressing the open-ended working group (OEWG) on nuclear disarmament, Dr. Nick Ritchie of the University of York thoughtfully and systematically dismantled any supposed justification for the retention of nuclear weapons. In so doing, he also providing a searing critique of the step-by-step approach to nuclear disarmament. His arguments that the choice is either delegitimising nuclear weapons or supporting massive nuclear violence provide a compelling motivation for the prohibition of nuclear weapons. A few nuclear-supportive states continued to argue that the step-by-step approach is the most “practical” way forward, but as Dr. Ritchie set out, this approach simply privileges the nuclear-armed and others that perceive a benefit from threatening other societies with nuclear violence.

Distinguishing between reducing the perceived value of nuclear weapons and reducing their perceived legitimacy, Dr. Ritchie explained that focusing on the security “value” devolves agency to the nuclear-armed states and leaves the logic and practice of nuclear deterrence undisturbed. On the other hand, delegitimising nuclear weapons shifts the focus to nuclear violence and challenges the very legitimacy of giving any value whatsoever to nuclear weapons in the first place.

“Nuclear disarmament diplomacy has now arrived at a ‘stick or twist’ moment,” Dr. Ritchie suggested. “Stick with the prevailing pathway of step-by-step or building blocks that cedes disarmament agency to the nuclear-armed; or twist and pursue a pathway of delegitimation alongside other traditional steps.” A prohibition treaty, he suggested, would have the effect of delegitimising and stigmatising nuclear weapons. It “would constitute an unequivocal delegitimation through a legal instrument that categorically prohibits the possession and use of nuclear weapons based on universal principles of unacceptable harm.”

A number of states, including Brazil, Costa Rica, Jamaica, and Mexico welcomed this framing and highlighted the impor-

tance of delegitimising and stigmatising nuclear weapons. Others, such as Sweden and Poland, questioned the potential effectiveness of a prohibition treaty and argued that the step-by-step approach should not be dismissed. Both of these states also suggested that nuclear weapons are already considered illegitimate, despite one of them including nuclear weapons in its own security doctrine.

However, as Dr. Ritchie noted in his response to Sweden, while the NPT itself does not codify the legitimacy of nuclear weapons, its recognition of the special status of the five states that tested their nuclear weapons before 1967 is used by nuclear-armed states to justify their continued possession of nuclear weapons. He quoted former UK Prime Minister Tony Blair, who in 2007 clumsily claimed that the NPT “makes it absolutely clear that Britain has the right to possess nuclear weapons.”

In terms of the relationship of a prohibition treaty to other steps, delegation after delegation has offered reassurances to the nuclear-supportive states that the prohibition will support rather than undermine these steps. Not a single delegation supporting a prohibition has suggested, ever, that developing such an instrument would mean they know longer support measures to increase transparency, reduce risk of accidents or use, or end nuclear testing. On the contrary, a prohibition would support each of these measures by providing normative, political, economic, and legal clarity about the illegitimacy of nuclear weapon related activities.

As Jamaica noted, the step-by-step approach has consistently failed, for twenty years, to achieve the social change that non-nuclear-armed states seek. States supporting a prohibition are not suggesting that it will be a panacea resulting in the immediate elimination of all nuclear weapons, but rather that it is the next logical—and only currently possible—step that can help facilitate nuclear disarmament. If logic, principle, and multilateralism count for anything, Jamaica argued, the OEWG

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## Editorial continued

must make new recommendations that go beyond steps that have failed to generate change for so long. "One of the most pertinent lessons of history," New Zealand pointed out, is "that you cannot indefinitely prevent others from doing what they believe to be in their best interests." Moving forward with multilateral nuclear disarmament negotiations is in the interest of all and states now appear to be in the final stages of their preparations for such negotiations.

At this moment, prohibiting nuclear weapons seems like a difficult pill to swallow for states that support their existence yet at the same time want to be seen as progressive and responsible members of the international community. As Dr. Ritchie said, the prospect of a prohibition treaty brings to the fore a profound and ultimately untenable cognitive dissonance for those states that support nuclear weapons, but that also claim to support humanitarian principles, human rights, the sustainable development goals, and other initiatives and frameworks that seek to advance human security, justice and equality.

It is important for these states to keep in mind that prohibiting nuclear weapons is not just about challenging and undermining the perceived legitimacy of committing or threatening to commit massive nuclear violence. Banning nuclear weapons also has implications for broader social change. It is about deciding how states conduct themselves in international relations, in terms of power and dominance. It is about the choice to operate through violence or through cooperation. It is about how we communicate as human society: do some of us continue to threaten to annihilate others or do we declare such an absurd and massively violent relationship to be an unacceptable relic of the past and instead build up a sense of community based on equality? Those seeking negotiations for a legally binding instrument on nuclear weapons are urgently expressing a desire for the latter. The OEWG this month has furthered their cause significantly and should lay the groundwork for a process to come that could well be decisive on the path toward the elimination of nuclear weapons. •



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## Calendar of events

When	What	Where
10:00-13:00	Panel VI on other measures - reviewing the role of nuclear weapons in the security and other contexts of the 21st century; exchange of views	Room XIX
13:15-14:45	Side event: Global support and political will for nuclear disarmament (Unfold Zero)	Council Chamber
15:00-18:00	Exchange of views on panel VI continued	Room XIX

## NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will of WILPF*

The News in Brief is not a comprehensive summary of all statements. It highlights positions on a few critical issues covered during plenary discussions. Today's brief covers the presentation by Dr. Nick Ritchie and the exchange of views on panel V on possible pathways to take forward multilateral nuclear disarmament negotiations.

### Pathways and approaches

- Dr. Nick Ritchie reviewed the underlying approaches to reducing nuclear violence of each pathway. He concluded there are two different two broad approaches, namely one relying on a process guided by the subjective assessment of the nuclear-armed states about the value of their nuclear weapons, or one that delegitimises nuclear weapons on the basis of the illegitimacy of nuclear violence. He said a prohibition treaty would constitute a legally binding delegitimation of nuclear weapons.
- Mexico, Brazil, Jamaica endorsed Dr. Ritchie's presentation as their own to ensure its was included in the record of the meeting.
- Austria, Brazil, Costa Rica, Ecuador, Egypt, El Salvador, Jamaica, Mexico, Philippines, Sri Lanka, Thailand called for a prohibition treaty.
- Switzerland said nuclear weapons should be prohibited but there are many possible pathways forward.
- Sweden suggested states could negotiate an additional protocol to the NPT, which could be open to the nuclear-armed states, or they could pursue a prohibition on the use of nuclear weapons.
- Norway and Netherland wanted to study the Swedish proposal further.
- Peace Depot highlighted its working paper contained in NGP/5 and stressed the importance of the prohibition of use.
- Netherlands suggested that instead of a comprehensive ban now, a partial ban on the use of nuclear weapons and certain types of nuclear weapons could be a starting point.
- Mexico stated that as a co-sponsor of UNGA res 70/50 entitled "Ethical imperatives for a nuclear-weapon-free world" a ban on use is not acceptable because nuclear weapons are inherently immoral.
- Thailand thought a prohibition treaty was a more viable option than an additional protocol to the NPT.

### Prohibition

- Sri Lanka supported the call for negotiations of a legally binding de-legitimation and called for such a comprehensive prohibition instrument should include prohibitions on the use, possession, production, and transfer of nuclear weapons.
- Mexico called for the negotiation of legally binding instrument not to be conditioned in any way and recalled the elements of such a prohibition it raised previously.
- Brazil suggested a hybrid agreement as contained in WP.37 with a prohibition negotiated first to be complemented by further protocols on issues such as national declarations or verification. Eventually it would resemble a comprehensive NWC.
- Jamaica highlighted WP.15 as a comprehensively articulated reasoning for its support for a prohibition treaty.
- Ecuador explained how a prohibition treaty would complement existing instruments.
- South Africa highlighted that past experience shows a legal instrument that stigmatises a weapon can be an effective measure towards elimination.
- Philippines thought a prohibition treaty is the "most ideal and correct" action to pursue and should include prohibitions of among other things use, threat of use, and possession of nuclear weapons. Further, it should include provisions for an implementation support mechanism, verification, and for remedies for those affected by the production, testing, and use of nuclear weapons.
- OPANAL stressed that a prohibition of nuclear weapons must exist.
- El Salvador stressed that the prohibition of nuclear weapons is the next step.
- Austria recalled that in the past prohibition preceded elimination.
- Costa Rica described the normative value of prohibiting nuclear weapons.

### Nuclear weapons convention (NWC)

- Egypt called for a comprehensive NWC; however as a first step a prohibition of the production, possession, development, transfer, use and threat of use could move the international community towards the de-legalisation of nuclear weapons.
- Iran supported a comprehensive NWC to be negotiated within the UN.

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## News in brief, continued

### Framework

- Sweden suggested a framework agreement could build the umbrella for the different building blocks that could be filled in over time.
- Switzerland said a framework approach is flexible and could help find a way forward amid differing priorities.
- Norway indicated support for a framework approach.
- Costa Rica thought the new instrument could be a framework convention depending on the pathway states chose.

### "Progressive approach"

- Japan reiterated its support for the so-called progressive approach as contained in WP.9.
- Jamaica regretted that the progressive approach does not offer effective alternative to a nuclear prohibition and asked what would the OEWG achieve by agreeing on previously agreed measures.

### Process

- Sweden explained the NWC or additional protocol to the NPT would require the participation of nuclear-armed states. On the other hand it thought a ban or framework could theoretically be negotiated without nuclear-armed states, however the added value would depend if the obligations in the instrument go beyond those of already existing ones.

- New Zealand stressed that those states wanting to move forward are open to the participation of all, yet do not insist on all to participate. However, those not wishing to move forward should not obstruct progress.
- Jamaica saw no reason a prohibition cannot be negotiated immediately. It should be open to all states but not reliant on any for entry into force by nuclear-armed states.
- Poland thought no big leaps forward could be achieved without the nuclear-armed states and challenged others to explain how exactly progress could be made without them.
- Norway thought the engagement of the nuclear-armed states is needed and universality is a key factor when it comes to a new legal instrument.
- OPANAL explained that a prohibition treaty could also be negotiated even without the nuclear-armed states.
- Switzerland would favour the pathway that is able to garner the most diverse support from states, also those in nuclear alliances.
- IPPNW and ICAN welcomed the proposal to being negotiations of a prohibition in 2017, open to all and block-able by none.
- Netherlands argued that nuclear disarmament will need the engagement of nuclear-armed states. •

