

Statement by WILPF to the May 2016 Session of the Open-Ended Working Group on Nuclear Disarmament

August 24, 2016

Thank you Chairperson,

I'm speaking on behalf of the Women's International League for Peace and Freedom, which is a partner organisation of the [International Campaign to Abolish Nuclear Weapons](#) (ICAN).

We have heard some excellent interventions today discussing potential elements for a legally binding prohibition on nuclear weapons. Together with the NGO Article 36, we submitted a working paper to this OEWG, NGO/3, which is based on a report we prepared in 2014. It looks at possible principles, elements, effects, and processes for banning nuclear weapons. I'd like to draw on that working paper in responding to some of the comments made by states here today.

COMPREHENSIVE PROHIBITIONS

Several delegations have emphasised the importance of prohibiting not just use of nuclear weapons but their possession and all relevant nuclear weapon related activities. In our conception of such an instrument, a ban treaty should prohibit the use, development, production, stockpiling, transfer, acquisition, deployment, and financing of nuclear weapons, as well as assistance with these acts.

We present some arguments and possible parameters for these elements in our working paper. We also welcome working papers 14, 15, 17, and 34 for their suggested elements, and support the many interventions today encouraging the development a treaty that would close current legal gaps related to the development, testing, and possession of nuclear weapons.

FINANCING

We welcome the support for a prohibition on financing nuclear weapons, as suggested today by Jamaica, Nicaragua, and others.

A prohibition on assistance with prohibited acts could explicitly include a prohibition on any form of financial or material support to public and private enterprises involved in nuclear weapons activities. Such a prohibition could increase the societal stigmatisation of nuclear weapons and reduce the incentives for private companies to accept any work related to nuclear weapons. It could also compel public funds and foundations from supporting any entity involved in nuclear weapons activities. In this regard, a treaty ban on nuclear weapons could raise the political and economic costs of maintaining and modernising nuclear weapons.

VICTIM'S RIGHTS

We strongly agree with the delegations of Austria, Palau, and Sweden that victim's rights should be addressed by the treaty. Examples of victim assistance and environmental remediation can be found in other multilateral disarmament instruments. Developing effective provisions for victims assistance in a nuclear weapon ban treaty

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will require an inclusive process in which victims and survivors of nuclear weapons, along with other stakeholders, work to frame legal responsibilities that can respond effectively to their diverse experiences. We encourage delegations to review the papers by Article 36 and Mines Action Canada on this issue.

ELIMINATION AND OTHER EFFECTS

We also believe, as do many delegations, that the treaty need not set out provisions for elimination at the outset. The prohibitions provide the framework for elimination, but states possessing nuclear weapons will need to be engaged in the negotiation of disarmament procedures, verification measures, and timeframes.

We do believe that a treaty banning nuclear weapons will help facilitate elimination, even if the nuclear-armed states refuse to participate in the negotiations.

A ban treaty would offer states opposed to nuclear weapons an opportunity to formalise a categorical rejection of the use or possession of nuclear weapons by anyone under any circumstances.

Establishing a clear rejection of nuclear weapons would enhance the stigma that already exists against these weapons. The process of banning nuclear weapons would require governments to decide whether they want to continue to support nuclear weapons or reject them entirely.

A ban treaty, negotiated and signed by a large number of the world's states, would have wide-ranging implications for nuclear weapons including pressures on military cooperation involving nuclear weapons—such as, as Ecuador highlighted, so-called extended nuclear deterrence and activities related to planning for nuclear attacks. It will also help facilitate the development of a stronger community of states and civil society working together towards elimination based on a clear legal prohibition of nuclear weapons.

We appreciated New Zealand and Mexico's comments that we cannot prove in advance the effectiveness of any given measure. We agree with New Zealand that such a requirement is a recipe for never doing anything—which is what has been happening for the past 20 years.

INCLUSIVITY

It is time for committed states to move forward. As Brazil said, the political viability for progress on nuclear disarmament lies with capacity of non-nuclear-armed states to lead the way.

The negotiation process, as Costa Rica noted today, would be open to all states. However, as they and many others have correctly pointed out, the nuclear-armed states have made their opposition to such a process very clear.

Even so, a treaty banning nuclear weapons should not be seen as antagonistic towards nuclear-armed states. Rather it should be seen as an effort to assist those states that find themselves caught up in a complex situation of conflicting legal norms, where the use of nuclear weapons cannot be reconciled with the rules of international humanitarian law. It can help those who find themselves confronting embedded national identity politics, where the power and prestige associated with nuclear weapons plays a role in constructing the national identity of certain states). It will help challenge longstanding commercial and industrial relationships with nuclear weapon production.

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A treaty prohibiting nuclear weapons, by contributing to international stigmatisation and rejection of these weapons, should be seen as supportive to genuine efforts by leaders within nuclear-armed states to disentangle themselves from a situation that puts them and our wider human society at great risk.

CONCLUSION

Ridding the world of nuclear weapons will take courage. It will take leadership by states free of nuclear weapons. But it is achievable, feasible, and practical. It can be crafted in such a way to establish a comprehensive set of prohibitions and provide a framework under which the elimination of nuclear weapons can be pursued. And it is necessary. At a time when the nuclear-armed states continue to demonstrate their lack of commitment to pursuing tangible, good faith nuclear disarmament, as international tensions rise and nuclear weapons lurk in the background behind the use of military force, and as the potential for accidents or use persists, banning nuclear weapons is an urgent necessity.