

Manual for Governments  
on the UN Open Ended Working Group  
on Nuclear Disarmament

EDITION 1.0

# Open the Door to a Nuclear Weapons Free World



“A world free of nuclear weapons would be a global public good of the highest order.”

— UN Secretary-General Ban Ki-moon, United Nations, 24 October 2008

“All States need to make special efforts to establish the necessary framework  
to achieve and maintain a world without nuclear weapons.”

— Final agreed document of the 2010 NPT Review Conference

## ABOUT THIS MANUAL

This manual is produced for governments, particularly those that have not yet been participating in the United Nations Open Ended Working Group (OEWG) on Taking Forward Multilateral Nuclear Disarmament Negotiations, in order to encourage and support such participation.

The manual provides delegations with background to the OEWG, reflections on the sessions to date, an outline of possible work to be undertaken and outcomes of the OEWG, plus other resource materials and links to further information in order to allow you to fruitfully participate in the OEWG and assist in its success.

We hope that this guide will bring your delegation up-to-date with the latest developments and challenges facing nuclear disarmament efforts and to make the most out of the opportunity to participate in the on-going efforts of the working group to develop concrete proposals that might crystallise into a credible international effort leading to total and irreversible nuclear disarmament.

A similar manual has been prepared for civil society campaigners to assist their engagement in, and promotion of, the OEWG.

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# 1

## Why participate in the UN Open Ended Working Group?

The catastrophic consequences of nuclear weapons, the proliferation risks from continuing nuclear weapons programs, and the erosion of cooperative security and international law from nuclear deterrence postures, make nuclear disarmament a truly universal imperative. In the word of UN Secretary-General Ban Ki-moon, nuclear disarmament is “a global public good of the highest order.”

Amidst the growing dissatisfaction with the lack of progress in the field of nuclear disarmament and the long-lasting deadlock in the Conference on Disarmament, the creation by the United Nations General Assembly of an Open-Ended Working Group (OEWG) on “taking forward multilateral nuclear disarmament negotiations” provides a unique opportunity for all member states of the United Nations to engage in open and constructive discussions and explore proposals to take nuclear disarmament negotiations forward. The OEWG also provides an opening for broadening the debate and for developing proposals that could finally lead to a credible multilateral effort capable of breaking the current deadlock.

In this context, the engagement of **all** states in the OEWG is encouraged. Nuclear armed states, and those covered by extended nuclear deterrence doctrines, can participate in a constructive environment that explores the conditions, security issues and possibilities to make progress. States that are not members of the Conference on Disarmament (CD) can participate, even if they may not have specific expertise, in order to enhance their contribution to the global concern for nuclear disarmament. And CD members can participate in an alternative environment that enables for more free-flowing and flexible deliberations that can help build bridges to overcome current blocks.

We note that two of the nuclear armed states, a majority of NATO countries, other countries under extended nuclear deterrence and CD members took up the opportunity to participate in the May 2013 sessions of the OEWG. We encourage other NATO countries, non-CD members and other nuclear armed states, in particular the P5 members (China, France, Russia, UK and the US), to join for the remaining sessions.

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We encourage other NATO countries, non-CD members and Nuclear Weapon States, in particular, to join for the remaining sessions.

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# 2

## OEWG process – opening the door

For 17 years the Conference on Disarmament has been unable to undertake any negotiations or even substantive work preparing for negotiations on nuclear disarmament. Only limited or piecemeal progress has been possible in other multilateral forums.

The OEWG has been established as a complementary platform to the other forums, but with some key strengths that can open the door to deliberations and negotiations, and give it the potential to facilitate success, including to break through some of the blockages in the other forums.

The OEWG is established under UN General Assembly rules. As such it is open for all states to participate as equals, unlike the NPT which is only open to States Parties and which has different status of the NWS compared to the non-NWS. There is no power of veto by any state in the OEWG. Thus no one country can play the procedural card to block substantive work.

Another of the key strengths of the OEWG is that the rules of procedure allow it to go beyond formal exchanges of views to include informal interactive and creative discussions. This includes thematic panels with experts from governments, international organizations, academia and civil society.

The OEWG has scheduled its meetings over three sessions, the first from 14–24 May followed by sessions from 27–28 June and 19–30 August 2013. The OEWG will submit a report on its work, “reflecting the discussions held and all proposals made”, to the sixty-eighth session of the UN General Assembly for follow-up. The report is expected to highlight proposals that have the most potential to implement the OEWG mandate to advance multilateral nuclear disarmament negotiations.

Reports of the OEWG sessions are available as appendices to this manual, which will be updated after each session.

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The OEWG is open for all states to participate as equals and no country can block progress.

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# 3

## OEWG outcomes – walking through the door!

The mandate of the OEWG is to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.

It is expected, therefore, that delegates will work in good faith to find common ground between the divisions that have limited or blocked progress in other multilateral disarmament forums, and develop proposals that could lead to the commencement of negotiations. There might also be a role for the OEWG to identify preparatory work that could be undertaken that could pave the way for negotiations and/or support negotiations once they commence. (See Appendix F: Proposals to the OEWG).

The OEWG mandate provides flexibility on the nature of such negotiations, including how and where they should take place, and what should be negotiated – with the one caveat that the negotiations should lead to the achievement and maintenance of a world without nuclear weapons. It is possible, therefore, that proposals arising from the OEWG could focus on, and lead to, negotiations on nuclear disarmament or aspects there-off in the Conference on Disarmament, and/or negotiations or other complementary measures in other multilateral bodies including the UN General Assembly and Security Council (see Appendix D: Relationship of the OEWG to Other Multilateral Disarmament Processes)

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The unique positive environment of the OEWG provides an opportunity to come to an agreement on an approach to disarmament feasible for all.

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The first OEWG meetings have shown a willingness of delegations to bridge gaps between various approaches and look for a common ground (see Appendix G: Report on the May OEWG meetings). This unique positive environment provides the OEWG with an opportunity to come to an agreement on an approach to disarmament feasible for all, and to draft a realistic roadmap/plan, including identification of specific elements of a nuclear weapons free world and indicative timelines for their achievement. Such ground-breaking unity of a broad range of states on a process for disarmament, backed by key regional players and NWS allies, would also send a strong political impulse to nuclear armed states, emphasizing the urgency of nuclear abolition and signalling a readiness of the international community to actively engage in productive deliberations.

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The OEWG opens the door to negotiations. All countries should take this opportunity to walk through the door.

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The OEWG thus has the potential to break the deadlock on the multilateral disarmament process and facilitate the start of negotiations. However, success of the OEWG will depend on countries participating in good faith, using creative thinking to find common ground and solutions, and ensuring the process is given sufficient political weight and capital to build commitment from all countries to supporting and implementing the promising proposals made in the OEWG as well as those agreed by the OEWG. The OEWG opens the door to negotiations. All countries should take this opportunity to walk through the door.

### **Renewing/extending the mandate**

The OEWG was established with a mandate to work for 15 days during 2013 and then report back to the 68<sup>th</sup> Session of the UN General Assembly, which will then decide whether or not to renew the mandate, and also whether or not to identify specific tasks or promising proposals/approaches that could be further taken up by the OEWG or other forums in 2014.

Considerable progress could be made during the deliberations in 2013. However, it is unlikely that the 15 days of deliberations will be sufficient to enable the development of proposals that resolve the variety of issues that need to be dealt with in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. Nor does it appear likely that the Conference on Disarmament will agree on a program of work and commence work in 2013.

If the CD does become operational again, in 2013 or later, the OEWG could still play a useful role in addressing the issues raised by the project of achieving a nuclear weapons-free world, especially if the CD is focussed on legal instruments other than a convention or framework for comprehensive nuclear disarmament. The OEWG also has the advantage of being open to participation by all UN member states.

For these and other reasons, there is general support for the renewal of the mandate of the OEWG in 2014, and for this to be included in the report of the OEWG to the UN General Assembly in September.

# 4

## Engaging the nuclear armed states

The nuclear armed states in general have not been supportive of the OEWG. France, Russia, the United Kingdom, and the United States voted against the UN resolution establishing the OEWG and have not been participating in the OEWG. The DPRK voted in favour of the resolution, and China, Pakistan, Israel and India abstained. India and Pakistan have been participating in the OEWG sessions but have not yet evinced confidence that the OEWG can contribute something of value to the nuclear disarmament process.

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Positions of the Nuclear Weapon States can change, especially if momentum builds behind a political or diplomatic process.

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Experience shows that positions of the Nuclear Weapon States (China, France, Russia, United Kingdom and the United States) can change, especially if momentum builds behind a political or diplomatic process. On the proposal for a Comprehensive Test Ban Treaty, for example, the NWS refused to agree to commence negotiations until after non-NWS commenced a process outside the CD to amend the Partial Test Ban Treaty to make it a CTBT. This was assisted by strong public and parliamentary pressure and action in favour of a CTBT.

When Non-Nuclear Weapon States articulate new possibilities for progress and start to pursue them, it provides parliamentarians and the civil society activists in the nuclear armed states with a point of reference for reframing their domestic political debate. This can move the government to commence participating in good faith in the OEWG and other forums. The OEWG and its participating governments and NGOs should not, however, feel obliged to wait for this change of heart. But the door will always be open and a welcoming atmosphere should be preserved to enable engagement of the nuclear armed states.

Proposals to the OEWG can be shared with the NWS informally to gauge their perspectives and possible support, and thus develop an indication of how successful the proposals could be.

In addition, the NWS, or technical experts from NWS, could be invited to address the OEWG in an informal session – similar to the informal panels of experts that were held in the May sessions of the OEWG. These sessions generated considerable interactivity and dialogue not seen in other disarmament forums. Such informal dialogue and interactivity between NWS, or their experts, and the OEWG participants might be of great value in paving the way for them to agree to participate more formally in the OEWG later this year, or – assuming the OEWG mandate is extended – in 2014.



## General Assembly

Distr.: General  
4 January 2013

Sixty-seventh session  
Agenda item 94

### Resolution adopted by the General Assembly

[on the report of the First Committee (A/67/409)]

#### 67/56. Taking forward multilateral nuclear disarmament negotiations

*The General Assembly,*

*Deeply concerned* about the catastrophic humanitarian consequences of any use of nuclear weapons,

*Recalling* the Declaration of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,<sup>1</sup> which states, inter alia, that all the peoples of the world have a vital interest in the success of disarmament negotiations, and that all States have the right to participate in disarmament negotiations,

*Reaffirming* the role and functions of the Conference on Disarmament and the Disarmament Commission, as set out in the Final Document of the Tenth Special Session of the General Assembly,<sup>2</sup>

*Recalling* the United Nations Millennium Declaration,<sup>3</sup> which states, inter alia, that responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role,

*Welcoming* the efforts by Member States to secure progress in multilateral disarmament and the support of the Secretary-General for such efforts, and noting in this regard the Secretary-General's five-point proposal on nuclear disarmament,<sup>4</sup>

<sup>1</sup> Resolution S-10/2, sect. II.

<sup>2</sup> Ibid., sect. IV.

<sup>3</sup> Resolution 55/2.

<sup>4</sup> Available from [www.un.org/disarmament/WMD/Nuclear/sg5point.shtml](http://www.un.org/disarmament/WMD/Nuclear/sg5point.shtml).



*Recalling* the outcome, including the action points, of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>5</sup>

*Reaffirming* the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and determined to promote multilateralism as an essential way to develop arms regulation and disarmament negotiations,

*Recognizing* the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade,

*Recognizing also* the increased political attention to disarmament and non-proliferation issues and that the international political climate is more conducive to the promotion of multilateral disarmament and to moving towards the goal of a world without nuclear weapons,

*Emphasizing* the importance and urgency of substantive progress on priority disarmament and non-proliferation issues,

*Recognizing* the important contribution that civil society makes to multilateral disarmament, non-proliferation and arms control processes,

*Mindful* of Article 11 of the Charter of the United Nations concerning the functions and powers of the General Assembly to consider and make recommendations, including recommendations with regard to disarmament,

1. *Decides* to establish an 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;

2. *Also decides* that the working group shall convene in Geneva in 2013 for up to fifteen working days, within available timeframes, with the contribution of international organizations and civil society, in accordance with established practice, and shall hold its organizational session as soon as possible;

3. *Further decides* that the working group shall 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;

4. *Requests* the Secretary-General to provide, within available resources, the support necessary to convene the working group and also to transmit the report of the working group to the Conference on Disarmament and the Disarmament Commission;

5. *Decides* to include in the provisional agenda of its sixty-eighth session an item entitled "Taking forward multilateral nuclear disarmament negotiations".

*48th plenary meeting  
3 December 2012*

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<sup>5</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vols. I–III (NPT/CONF.2010/50 (Vols. I–III)).

## Useful resources and links

### INFORMATION RELATED TO THE OEWG

*Official OEWG information* – including **timetables and agenda of meetings**, submitted **working papers** and **text and audio recordings** of the formal parts of the meetings (**official statements** and **panel presentations**) – is available on the website of the *UN Open Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations*: [www.unog.ch/oewg-ndn](http://www.unog.ch/oewg-ndn).

Contact e-mail: [oewg-ndn@unog.ch](mailto:oewg-ndn@unog.ch).

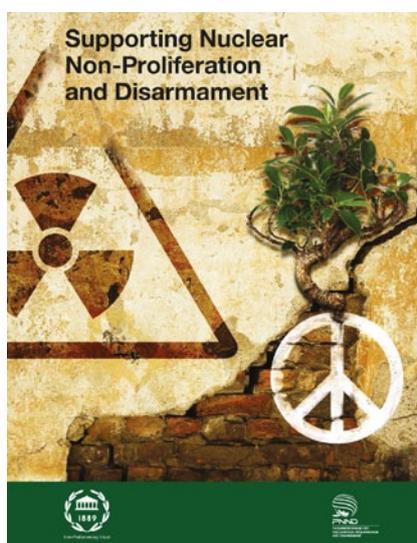
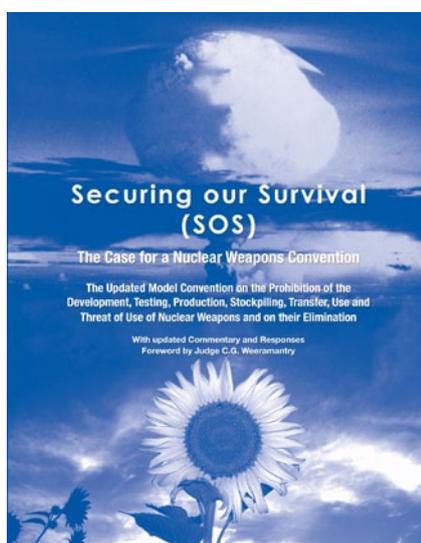
*Reaching Critical Will* compiles resources related to the OEWG and provides information to facilitate NGO participation in the OEWG meetings. Reaching Critical Will also monitors all meetings and produces **weekly summaries** that are published on the website and in RCW newsletters. [www.reachingcriticalwill.org/disarmament-fora/others/oewg](http://www.reachingcriticalwill.org/disarmament-fora/others/oewg)

*Basel Peace Office*, which serves as the logistical host for the *Abolition 2000 Task Force on the OEWG*, publishes all relevant information on [www.baselpeaceoffice.org/oewg](http://www.baselpeaceoffice.org/oewg). The website includes information about the Task Force and its activity at the OEWG, including an up-to-date list of members, statements and recommendations presented to the OEWG, invitations to side-events, and the PDF version of this manual, as well as of the Manual for Campaigners to support the OEWG produced by the Task Force.

### USEFUL RESOURCES ON NUCLEAR DISARMAMENT

All the following resources are available in PDF on [www.baselpeaceoffice.org/oewg](http://www.baselpeaceoffice.org/oewg).

- ▶ **Creating the Conditions and Building the Framework for a Nuclear Weapons-Free World** – a briefing paper, produced by the *Middle Powers Initiative* in February 2013 for the Berlin Framework Forum. The paper considers the question of conditions for a nuclear weapons-free world (as pre-conditions for negotiations or conditions that would need to be addressed in negotiations), issues of strategy and process, as well as design relating to building the framework for a nuclear weapons free world. See also [www.middlepowers.org](http://www.middlepowers.org).
- ▶ **Securing our Survival: The Case for a Nuclear Weapons Convention** – a book written by the principal drafters of the Model Nuclear Weapon Convention (NWC) that was circulated in the UN in 2007. The book explains the concept of a NWC, explores comprehensive and incremental-comprehensive approaches for nuclear abolition, includes a summary and the full text of the Model NWC, and a section of Questions & Answers on critical issues related to an achievement and maintenance of a nuclear weapons free world. To request a hard copy, contact [alyn@lcnp.org](mailto:alyn@lcnp.org).



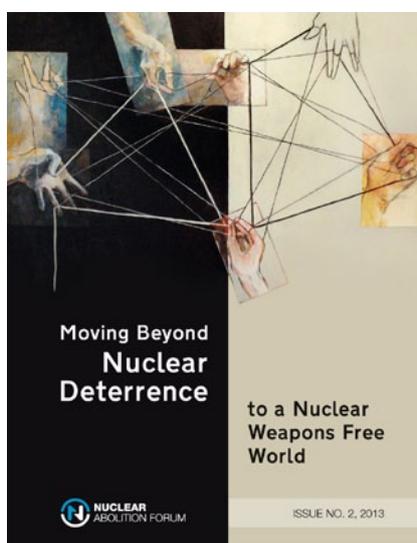
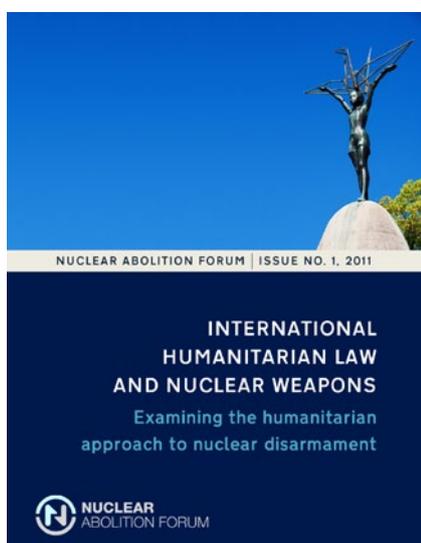
- ▶ **Supporting Nuclear Non-proliferation and Disarmament** – a handbook for parliamentarians, published by the Inter-Parliamentary Union (IPU) and Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND) in October 2012. The handbook provides background information about nuclear weapons and various aspects of nuclear non-proliferation and disarmament, including summaries of best policies and practices, and recommendations for further actions that parliaments and parliamentarians can take to contribute to an achievement of a nuclear weapons free world. See also [www.ipu.org](http://www.ipu.org) and [www.pnnd.org](http://www.pnnd.org).
- ▶ **Unspeakable Suffering: the Humanitarian Impact of Nuclear Weapons** – an overview of humanitarian, environmental, economic and legal aspects of the use of nuclear weapons, published by *Reaching Critical Will* in March 2013 in conjunction with the international conference on humanitarian impact of nuclear weapons in Oslo.
- ▶ **International Humanitarian Law and Nuclear Weapons: Examining the humanitarian approach to nuclear disarmament** – the first edition of the *Nuclear Abolition Forum*, an initiative to facilitate dialogue on the process to achieve and sustain a nuclear weapons free world. This edition includes a variety of perspectives on IHL and nuclear weapons including risk analyses, an assessment of the historic 1996 International Court of Justice Advisory Opinion, the role of the UN, nuclear weapons spending & divestment, law relating to the possession of nuclear weapons and the *Vancouver Declaration on the Legal Imperative for Nuclear Abolition*. See also [www.abolitionforum.org](http://www.abolitionforum.org).

- ▶ **Moving Beyond Nuclear Deterrence to a Nuclear Weapons Free World** – the second edition of the *Nuclear Abolition Forum*. This edition examines nuclear deterrence, the role it plays in security policies, its benefits and/or risks, and an exploration on how security could be achieved without nuclear deterrence in order to facilitate the establishment of a nuclear weapons free world.

## OEWG WORKING PAPERS

All the following resources are available in PDF on [www.unog.ch/oewg-ndn](http://www.unog.ch/oewg-ndn).

- ▶ **The Treatment of the Issue of Nuclear Disarmament in Relevant Forums Established by the United Nations** – a briefing paper prepared by *UNIDIR* in May 2013 as a background for the first block of OEWG meetings that took place in May.
- ▶ **Perceptions and views on nuclear disarmament: addressing differences and bridging gaps** – a working paper, submitted to the OEWG by *Austria* in May 2013. The working paper contributes to the debate in the OEWG with an assessment of current political will for disarmament, an overview of perceptions of existing disarmament obligations, and a reflection on measuring progress in disarmament.



## Background: From a stalemate in the Conference on Disarmament to the OEWG

The Conference on Disarmament (CD) is an international forum for the negotiation of multilateral disarmament treaties. Its rules of procedures require that all decisions, including on a programme of work, are adopted by consensus. Thus, objections from a single state can prevent agreement on whether to start negotiations.

The CD has a permanent agenda, known as the Decalogue, which addresses a wide-range of multilateral arms control and disarmament issues. The CD adopts a narrower agenda each year to address specific items, such as the cessation of the nuclear arms race and disarmament, prevention of an arms race in outer space (PAROS), negative security assurances, and new types of mass destruction and new systems.

Several key treaties have been negotiated in this forum, including the Chemical Weapons Convention (1993) and the Comprehensive Test Ban Treaty (1996). However, since 1996 the CD has been unable to undertake any substantive work due to inability to reach consensus on a program of negotiations on nuclear disarmament. Thus, more recent agreements such as the Land Mines Convention, Cluster Munitions Convention and the new Arms Trade Treaty were negotiated in other forums.

### HISTORY OF THE STALEMATE IN THE CONFERENCE ON DISARMAMENT

#### 1997-2002

During these years, objections from multiple states prevented the CD from achieving progress; for instance, preventing the establishment of a negotiating mandate on PAROS or nuclear disarmament, from negotiating a fissile material treaty without negotiating a mandate on PAROS. For a very brief period in 1998 a work programme was adopted, only to fail to be renewed in 1999.

#### 2002

In 2002, the Ambassadors of Algeria, Belgium, Chile, Columbia, and Sweden put forward the so-called A5 proposal to the CD. It called for the CD to establish four ad-hoc committees, which would be used to negotiate a fissile material treaty, negative security assurances, PAROS, and nuclear disarmament. The proposal also called for special coordinators to obtain the views of states about new types of weapons of mass destruction, a comprehensive programme of transparency, and armaments. Although most states overwhelmingly supported the A5 proposal, it did not break the deadlock. Nonetheless, it is still a point of reference in discussions about the programme of work.

#### 2003-2005

During the 2003 session of the CD, the A5 proposal was slightly modified and received widespread support amongst delegates. However, the CD could still not agree on a programme of work.

Throughout the 2004 session of the CD, a number of informal plenary meetings were held to help member states to engage in informal thematic discussions. The CD did not adopt a programme of work; however, there was a growing consensus about the need for enhancing NGO access to the CD.

#### 2005 United Nations General Assembly's First Committee

Leading up to and at the opening of the 2005 session of the First Committee, a group of six countries proposed that the UNGA establish three working groups (a 'shadow CD') to address the main items of the CD agenda until such time as the CD could agree on a programme of work. The proposal encountered stiff opposition from the nuclear armed states and was shelved in favour of the innovation of having the six presidents of the CD work as a team – the 'P6' – throughout each annual CD session. The proponents of the 'shadow CD' idea reserved the option of reviving their proposal if this innovation proved insufficient to break the deadlock.

#### 2006-2008

During the 2006 session, the P6 selected a group of member states to serve as "Friends of the Presidents" and to help them throughout the year by engaging in informal consultation in order to achieve consensus on a programme of work. The Presidents further encouraged the circulations of papers from delegations and NGOs. These efforts continued in 2007 and 2008.

## 2009

On 29 May 2009, the CD adopted a programme of work for the first time since 1998. This programme of work included agreements amongst the member states to commence negotiations on a fissile-cut-off treaty that would be based on the Shannon Mandate (CD document 1229, 24 March 1995) which affirmed agreement by CD members for the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The programme of work also called upon member states to begin substantive discussions on the other core issues including prevention of an arms race in outer space, a legally binding agreement on negative security issues, and nuclear disarmament. However the CD was unable to achieve consensus on a framework to implement this programme and, as a result, substantive discussions did not take place.

## 2010

In 2010, the CD was yet again unable to adopt a programme of work due to on-going reservations and, consequently, the UN Secretary-General convened a high-level meeting on revitalizing the CD and taking forward multilateral nuclear disarmament negotiation on 24 September 2010.

## 2011

In 2011, the CD organized several extensive discussions on a programme of work and its four core issues. In addition, 49 member states who had vocalized their concerns about the CD requested the UN General Assembly to convene three meetings, from 27 to 29 July, to follow-up on the high level meeting in September 2010. Despite the fact that the vast majority of member states expressed the wish to revitalize the CD, no progress was achieved throughout the 2011 session.

Austria, Mexico, and Norway thus tabled a draft resolution entitled “Taking Forward Multilateral Disarmament Negotiations” in the First Committee of the UN General Assembly in 2011. The resolution called on the CD to adopt and implement a programme of work during the 2012 session, and gave notice that if such a programme of work was not adopted, then the UNGA should consider at its sixty-seventh session alternative ways of taking forward multilateral disarmament negotiations including establishing working groups on the priority issues of nuclear disarmament.

The draft resolution was withdrawn in favour of another resolution, “Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarma-

ment negotiations,” which was adopted by consensus. This resolution requested states to “explore, consider and consolidate options, proposals and elements for revitalization of the CD.” Notably, it did not contain any time-lines or measures.

## 2012

In 2012, Egypt presented a draft program of work to the CD but there were still reservations preventing consensus. During the 2012 session, the CD remained stagnant. After over a decade of paralysis, discussions were conducted in 2012 on whether to revitalize the CD or to consider work on key disarmament issues in venues outside of the CD. A number of member states, however, insist that the CD should serve as the single multilateral disarmament body and would see other multilateral initiatives as undermining its status.

## OPEN ENDED WORKING GROUP

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Given its current paralysis, multilateral efforts outside the CD offer an important complementary forum to revitalize debates and cultivate international engagement.

The CD has proven to be a productive body when the necessary political will has been present, but tends to hamper the development of political will during less favourable circumstances. The creation of an open-ended working group, therefore, provides an important opportunity to bring more United Nations member states to participate in the discussions and to develop proposals in a much more flexible and informal setting.

### UNGA Resolution Establishing the Open Ended Working Group

The working group, established by UN General Assembly resolution 67/56, has the mandate “to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.” The resolution also established that the working group meets in Geneva in 2013 for up to fifteen days (thirty three-hour meetings).

### Rules of procedure

As a subsidiary body of the UN General Assembly, the OEWG uses its UNGA Rules of Procedure and thus provides an opportunity for all member states of the United Nations to engage in interactive discussion with each other and with representatives from civil society, academia and international organisations – an aspect in which multilateral disarmament has lagged behind other fields. Res-

olution 67/56 recognised in its preamble, “the important contribution that civil society makes to multilateral disarmament, non-proliferation and arms control processes.”

### Agenda

In its organizational session held on 14 March, Ambassador Manuel B. Dengo (Costa Rica) was appointed as Chairperson of the working group and a provisional agenda and tentative calendar of meetings were also agreed. The working group met from 14 to 24 May and will also meet on 27 and 28 June, and from 19 to 30 August.

The deliberations in the May sessions covered issues relating to (1) 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 (2) aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations. A report on the May sessions is included as Appendix G.

The work style of the group accords high value to informal and interactive discussions, including both thematic panels consisting of experts from governments, international organizations, academia and civil society -- as well as formal exchanges of views. (See Appendix G: Report on the May meetings of the OEWG)

### Outcome

The working group is required to submit to the sixty-eighth session of the UNGA a report on its work, “reflecting the discussions held and all proposals made” and the resulting proposals it has collectively developed. The resolution noted that the GA will assess the work of the OEWG “taking into account developments in other relevant forums” which means that progress in the Conference on Disarmament could be regarded as a positive development. Furthermore, the Secretary-General is requested to transmit the report of the group to the CD and the Disarmament Commission.



OEWG session on the Role of Parliamentarians, May 23, 2013. Photo © PNND.

# Relation of the OEWG to other multilateral disarmament processes

## UN General Assembly's 68<sup>th</sup> session

It is important to ensure that the discussions and proposals developed by the working group receive a proper follow up at the sixty-eighth session of the General Assembly. One of the main ways to ensure this would be for the General Assembly to extend and strengthen the mandate of the working group into 2014 and beyond to continue to provide an open and interactive forum complementing the work of other multilateral forums, especially if the CD remains blocked from undertaking substantive work.

## High-level meeting on nuclear disarmament

The High-level meeting, or Summit, of the General Assembly on nuclear disarmament, scheduled for 26 September 2013, will provide an important opportunity to raise the profile of the discussions and proposals developed by the working group and to ensure that these received the highest political consideration at the level of Heads of State or Governments. Among the many challenges to progress on nuclear disarmament that have been identified, the low level of political engagement at the national leadership level is one of the most important. The High-level meeting could begin to rectify this. Indeed, the decision on scheduling the meeting recommends participation at the "highest level."

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"The General Assembly [...], reaffirming the central role of the United Nations in the field of disarmament [...] decides to convene a high-level meeting of the General Assembly on nuclear disarmament that will be held as a one-day plenary meeting on 26 September 2013, to contribute to achieving the goal of nuclear disarmament."

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Excerpt from UNGA Resolution 67/39

## Oslo – Mexico Conferences on the humanitarian consequences of nuclear weapons

In the context of a growing awareness of the catastrophic humanitarian consequences of nuclear weapons an historic conference was held in Oslo, Norway, from 4–5 March – in which 127 governments, United Nations agencies, international organizations, and civil society participated. Discussions and proposals developed by the OEWG could provide an important input to the follow-up conference scheduled to take place in Mexico on February 14, 2014.

## Conference on Disarmament

The Conference on Disarmament (CD), after nearly two decades of paralysis, faces a challenging situation. Its strict rules of procedure, in particular the requirement that all decisions must be made by consensus, have prevented any agreement on basic procedural issues such as a programme of work and enlargement of its membership. Nevertheless, many states still regard the Conference of Disarmament as the foremost multilateral disarmament negotiating forum and, historically, the CD has proven to be a successful body, most notably producing the Chemical Weapons Convention. Negotiations on a comprehensive nuclear-test-ban treaty (CTBT) in the early 1990s were nearly completed in the CD, although due to lack of final consensus in the CD adoption of the final text had to be done in the UN General Assembly. In this context, the working group provides an alternative forum where work can progress, pending a breakthrough in the Conference on Disarmament.

Resolution 67/56 clearly noted this tension in its preambulatory paragraphs, on one hand "reaffirming the role and functions of the Conference on Disarmament and the Disarmament Commission," while also "recognizing the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade." The on-going paralysis and the impoverishment of debate reinforce each other in a vicious circle: without an open debate and sustained multilateral engagement the insights and confidence required for future negotiations are even less likely. Therefore, rather than a "distraction" or "duplication" of effort, the working group provides a path-breaking opportunity to reinvigorate the international climate, with interactivity and the creativity to take forward multilateral negotiations whether at the Conference on Disarmament or elsewhere.

# Possible legal architecture for a nuclear weapons free world and processes to achieve it

This section draws heavily from **Creating the Conditions and Building the Framework for a Nuclear Weapons-Free World**, *Middle Powers Initiative* Briefing Paper for the Berlin Meeting of the Framework Forum, February 21-22, 2013 by John Burroughs.

## 1 LEGAL ARCHITECTURE

Choices will need to be made regarding the legal architecture for achieving and maintaining a nuclear weapons-free world. At least three possible approaches deserve assessment: (1.a) a nuclear weapons convention; (1.b) a framework agreement on nuclear disarmament; and (1.c) a framework/set of instruments. The approaches are more in the nature of aids to thinking than mutually exclusive alternatives; in particular, they help focus attention on issues of timing, sequencing, and participation.

### 1.a Nuclear weapons convention

A nuclear weapons convention would be a regime that would prohibit the development, production, testing, stockpiling, transfer, use and threat of use of nuclear weapons and provide for their elimination. Such conventions have already been negotiated on the other types of weapons of mass destruction – biological and chemical weapons.

It is often thought of as a single legal instrument addressing all aspects of elimination of nuclear weapons, like the Chemical Weapons Convention. However, given the already well-developed state of nuclear arms control and non-proliferation, a nuclear weapons convention almost surely would incorporate or link to current instruments including the NPT, IAEA, CTBT, safeguards agreements, Security Council resolution 1540, and treaties on nuclear terrorism and nuclear safety. It would probably also incorporate or link to future near-term agreements such as an FMCT.

### 1.b Framework agreement

A framework agreement on nuclear disarmament would be a treaty through which states would adopt an explicit legally binding obligation to abolish nuclear weapons, including a plan/schedule for further negotiations on mechanisms of elimination of existing nuclear arsenals and on tools for maintenance of a nuclear weapons free world.

The concept of a framework agreement is well established in international practice, for example the UN Framework Convention on Climate Change.

### 1.c Framework of instruments (set of instruments)

A framework of instruments is referred to in the 2010 NPT Final Document, which notes “the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”

In this scenario, a nuclear weapons free world would be achieved and maintained by a set (or framework) of separate instruments (treaties, institutions, protocols etc.) negotiated and established separately, including those that already exist and ones yet to be created.

The final set of instruments might include an overarching instrument on governance. However, it does not necessarily imply reliance on a global multilateral agreement on prohibition and elimination of nuclear weapons, leaving open, for example, the possible employment of a Security Council resolution, or a protocol to the NPT with states possessing nuclear weapons as parties.

## 2 PROCESS FOR ESTABLISHING THE LEGAL ARCHITECTURE

There are also different processes (or approaches) for achieving the legal framework for a nuclear weapons free world, most notably step-by-step (2.a), comprehensive (2.b) or incremental-comprehensive (2.c; a hybrid of the former two approaches).

### 2.a Step-by-step approach

The step-by-step approach assumes a series of measures which must be adopted one after the other leading to the final step of elimination. Thus, on nuclear weapons stockpiles, the next proposed step would be further re-

ductions of the largest stockpiles, i.e. those of the US and Russia, before contemplating reductions of the smaller arsenals of the other Nuclear Weapon States. On the control of weapons production, the next step contemplated is a treaty to end the production of fissile materials, before addressing the pre-existing large stocks of these materials. For Non-Nuclear Weapon States, a possible next step could be the negotiation of a treaty affirming the illegality of nuclear arms which could be achieved without the participation of the Nuclear Weapon States (who are not yet ready for this step). The elimination of nuclear weapons would be called for but the process for doing so would be left to future negotiations.

A weakness of the step-by-step approach is that, even if the steps are important components for a nuclear weapons free world, the approach is usually discriminatory in application. The capabilities of states are asymmetrical, so that controls imposed on one aspect – such as nuclear testing or fissile materials – favour those that have already advanced beyond such a control. In addition to that, once a step has been completed, there is no obligation for states to negotiate the next one.

## 2.b Comprehensive approach

The comprehensive approach focuses on the entire range of measures that must be achieved, and calls for some level of work (deliberations, preparatory work, technical development and/or negotiations) to commence on them all.

In attempting to address all issues simultaneously, the comprehensive approach is inherently non-discriminatory and can overcome the aforementioned weaknesses of the step-by-step approach. On the other hand, weaknesses of a purely comprehensive approach are that the negotiations to achieve the final abolition regime could take a long time, and that states may continue to resist starting such negotiations or bringing them to a conclusion because the trust and confidence required to accept complete elimination may need to be built up through mutual experience with partial disarmament measures.

## 2.c Incremental-comprehensive approach

The incremental-comprehensive approach would include a focus on the entire range of measures, thus overcoming the weakness of the step-by-step approach, and offer more flexibility to achieve them in a phased process (or building-block approach), thus overcoming the weakness of a purely comprehensive approach.

The incremental-comprehensive approach requires engagement with the NWS, but also provides possibilities for non-NWS to commence preparatory work on elements of a nuclear weapons free world, or even pre-negotiations taking place prior to the NWS agreeing to join the process. The OEWG could commence such work, at the same time as reaching out to the NWS to seek their engagement (See Appendix F: Proposals to the OEWG).



UNSG Ban Ki-moon releasing his 5-point plan at the UN General Assembly. UN photo © Paulo Filgueiras.

## AN INCREMENTAL-COMPREHENSIVE APPROACH, A PATH TO TAKE

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Since disarmament process has been blocked for years, states attending the OEWG recognize a need to bridge the gap between the comprehensive and the step-by-step approach.

In this chapter, the Abolition 2000 Task Force on the OEWG tries to assess the options on the table and outline approaches that could address concerns of those who oppose the step-by-step approach because of a lack of confidence in its completion, as well as those who hesitate to embrace the idea of a comprehensive approach finding nuclear abolition a goal too complicated to be achieved at once.

### A nuclear weapons convention achieved through an incremental-comprehensive process

At first glance, a nuclear weapons convention may appear to be a purely comprehensive approach – a single treaty encompassing all the legal, technical and institutional elements required to achieve a nuclear weapons free world. However, the proponents of a NWC have framed it in an incremental-comprehensive approach, in which various measures, elements or steps are concluded and implemented prior to the conclusion of the final comprehensive agreement on complete prohibition and elimination. The annual UN resolution sponsored by Malaysia, for example, calls for negotiations *leading to* the conclusion of a NWC (not *negotiations on* a NWC). The authors of *Securing our Survival: The Case for a Nuclear Weapons Convention* go into more detail on the nature of an incremental-comprehensive approach to achieving a NWC (See Appendix B: Useful Resources).

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“*Securing our Survival: The Case for a Nuclear Weapons Convention*” goes into more detail on the nature of an incremental-comprehensive approach to achieving a NWC.

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OEWG side event on a nuclear weapons convention, organized on May 21 by the Abolition 2000 Task Force on the OEWG and Basel Peace Office, with support of the Austrian Federal Ministry for European and International Affairs. Photo © Basel Peace Office.

### A framework agreement as a starter for an incremental-comprehensive process

The early adoption of a binding plan for abolition through a framework agreement could have the great benefit of early treaty codification of an obligation of non-use. The very start of negotiations of such treaty with participation of all nuclear armed states would demonstrate their willingness to eliminate their arsenals when others will, which would bring more confidence to the disarmament process. However, states might be reluctant to enter into an agreement if crucial issues were left to further negotiations.

### A framework of instruments achieved through a building-blocks approach

A framework of instruments is usually linked with the step-by-step process (when the agreements and instruments are pursued in a primarily sequential fashion and the framework tying the agreements and instruments together is left until after the achievement of most of the steps). However, it could also be achieved by an incremental-comprehensive process, which would entail an early development of a framework identifying the required instruments (or building-blocks), and subsequent simultaneous work on them.



## Proposals to the OEWG

The first OEWG meetings have shown a willingness of delegations to bridge gaps between various approaches and look for a common ground (see Appendix G: Report on the May OEWG meetings). This unique positive environment provides the OEWG with an opportunity to come to an **agreement on an approach to disarmament feasible for all**, and to draft a **realistic roadmap/plan**, including identification of specific elements of a nuclear weapons free world and indicative timelines for their achievement.

Such ground-breaking unity of a broad range of states on a process for disarmament, backed by key regional players and NWS allies, would also send a strong political impulse to nuclear armed states, emphasizing the urgency of nuclear abolition and signalling a readiness of the international community to actively engage in productive deliberations.

The OEWG could also recommend to the UNGA a commencement of **preparatory work on some of the elements (or building blocks) of a nuclear weapons free world**, such as:

- ▶ *Exploration, advancement and development of key verification approaches, capacities and mechanisms in preparation for the verification agreements and procedures that will be required for nuclear disarmament;*
- ▶ *Exploration of the institutional requirements for a nuclear weapons free world, examination of current institutions and the role they could play, outlining additional institutions that may be required and outlining the cooperation between the institutions;*

In addition, the OEWG could be used to support national, regional and global steps to prohibit nuclear weapons use through legislation, regional nuclear-weapon-free zones, inclusion in international criminal law particularly the Statute for an International Criminal Court, and negotiating a treaty prohibiting use.



**Political traction** will be necessary to enact any recommendations that will emerge from the OEWG. States participating in the OEWG should therefore engage in political processes that can help create momentum for nuclear abolition, including:

- ▶ *Elevating the political priority of nuclear abolition to the highest level including at the UN High Level Meeting on Sep 26, 2013 and possibly through a middle powers leadership initiative similar to the Six Nation Initiative in the 1980s-90s;*
- ▶ *Engaging with the NWS on approaches and mechanisms for developing security without nuclear weapons to lower and eliminate the role of nuclear weapons in security doctrines;*
- ▶ *Engaging the UN Security Council in consideration, development and adoption of further nuclear disarmament steps including enhanced security guarantees to replace the reliance on nuclear weapons.*

# UN Open Ended Working Group off to a positive start

## OVERVIEW OF THE MAY MEETINGS

The United Nations Open Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations (OEWG), by most accounts, got off to a very positive start with its first two weeks of deliberations in Geneva on May 14–24, 2013.

The OEWG, established by the United Nations General Assembly, injected a breath of fresh air into the political environment that has for the past 17 years prevented any substantive work being undertaken by the Conference on Disarmament (CD) – the world’s primary multilateral disarmament negotiating body.

Under the expert chairmanship of Ambassador Manuel Dengo of Costa Rica (a country that abolished its army in 1949 and is a strong supporter of cooperative security and nuclear abolition), delegates from countries threw away the usual pre-set, capital-cleared statements and positions that dominate the other main multilateral forums (CD, United Nations General Assembly and the Non-Proliferation Treaty Review Conferences), and instead engaged in interactive dialogue on key issues for establishing the framework and undertaking negotiations for a nuclear weapons free world.

Delegates began to break out from the usual divisions over a disarmament focus versus a non-proliferation focus, and various competing approaches to disarmament, such as step-by-step vs. comprehensive. Instead they searched more constructively for compromise and common ground. This included ideas like *building blocks* (on which work could be undertaken simultaneously) and a *roadmap* or *framework* for a nuclear weapons free world.

Ambassador Dengo was able to achieve this by organising these first two weeks of the OEWG as primarily informal meetings focusing on specific topics with introductions by panels of experts – rather than as formal meetings seeking government positions. Delegations were thus freed from the usual requirement to check any intervention/statement with their capitals, and could open up to asking questions, putting forward undeveloped ideas, and discussing these without feeling bound by any comments made.

Another refreshing aspect of the OEWG was the openness to civil society organisations (CSOs) to participate in the same way as the government delegates. CSOs were not confined to the usual practice in other multilateral disarmament bodies of only being able to make interventions in a special session dedicated to CSO views. Rather, CSOs could intervene with questions, reflections and proposals at any time just like any government.

**In the first week, the OEWG was taking stock of existing obligations, experiences and existing and new initiatives and proposals.** The discussed topics included:

- ▶ The existing multilateral treaty based obligations and commitments;
- ▶ What we can learn from nuclear-weapon-free zones and how we can build on experiences with transparency, confidence-building and verification;
- ▶ The *UN Secretary General’s Five Point Plan for Nuclear Disarmament*, which includes a nuclear weapons convention plus a range of complementary measures;
- ▶ Other proposals and initiatives including a nuclear ban treaty that could be negotiated by the non-NWS, and the *Non-Proliferation and Disarmament Initiative’s* package of next steps and measures.

**The panels/discussions in the second week focused more on exploring common ground on political and legal frameworks for a nuclear-weapons free world,** with topics including:

- ▶ Perspectives on the necessary framework to achieve and maintain a nuclear weapons free world;
- ▶ International law relevant to the threat or use of nuclear weapons;
- ▶ Approaching nuclear disarmament from different angles; and
- ▶ Roles and responsibilities for nuclear disarmament.

Austria submitted a working paper relevant to these topics – *Perceptions and views on nuclear disarmament: addressing differences and bridging gaps*. The paper notes that there are indeed differing perspectives on the process for nuclear disarmament which have contributed to roadblocks in other multilateral disarmament forums, but indicates possibilities for bridging these differences in order to make progress. In this respect, it includes most of the ideas presented, and reflects the generally positive and cautiously optimistic tone of the deliberations, in the OEWG to date.

In addition there was a special session on the role of parliamentarians, in recognition of the vital importance of building political will/commitment (including in the NWS), and the primary role of parliamentarians in generating this commitment.

(For more information on the key points discussed in the panels/sessions, see the summary below.)

The May meetings concluded with a wrap-up session including an exchange of views on the progress made and an outlook for the next sessions. Ambassador Dengo, Chair of the OEWG, proposed that working papers should be presented in forthcoming sessions based on the discussions from these last two weeks. These working papers should help to solidify thinking on the topics discussed in the OEWG, and outline generally agreed approaches to moving forward. The working papers could also help with establishing recommendations to the United Nations General Assembly (see Appendix F: Proposals to the OEWG).

## SUMMARY OF THE SESSIONS AND DISCUSSIONS

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This section draws from the reports of the OEWG published by the *Basel Peace Office* and *Reaching Critical Will*. See below for links to these reports.

### General exchange of views

*“The creation of this working group, together with the convening of a High Level Meeting on Nuclear Disarmament later this year, represents a global call to action for nuclear disarmament... We must use the opportunity which this Group presents to explore ways to get us to the shared goal of a world without nuclear weapons,”* statement by Brazil on behalf of the New Agenda Coalition of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.

24 countries took the opportunity in the first week to contribute with short statements on their expectations of the OEWG. This included a nuclear armed country (India), a number of nuclear allies as well as some Non-Nuclear Weapon States. Almost all speakers acknowledged that nuclear disarmament has not progressed enough, and welcomed the OEWG as a contribution on how to move forward.

A variety of approaches to nuclear disarmament – and thus to what the OEWG should address – was suggested in the formal statements, including initial steps, a comprehensive nuclear weapons convention, and a framework or roadmap to get to a nuclear weapons free world.

In addition, delegations proposed a number of supportive measures that could be addressed such as disarmament education, and increasing cooperative security

The formal statements were kept short and concise. The majority of the meetings during the first week were devoted to expert panels and interactive discussions.

### Existing obligations

Beatrice Fihn (Reaching Critical Will), Theresa Hitchens (UNIDIR) and Ward Wilson (Rethinking Nuclear Weapons) opened the first informal session by discussing how the United Nations has traditionally dealt with multilateral nuclear disarmament, what kind of progress the NPT and implementation of its Article VI has had on disarmament, and the validity (or otherwise) of arguments in favour of nuclear weapons. Governments making interventions focused primarily on possible solutions to the current impasse that could be advanced through the OEWG. This included ways to encourage NWS to engage in a multilateral disarmament process, measures that non-NWS can take to advance the process including the possibility of negotiating a nuclear ban treaty without the NWS, and ways to achieve some of the initial steps which have general agreement of the NWS (like the proposed fissile materials treaty) – but need to be put into a wider process to achieve universal support.

### Towards a world free of nuclear weapons

Gaukhar Mukhatzhanova (Center for Non-proliferation Studies) and Ambassador Gioconda Ubeda (Secretary General of OPANAL) participated in the second panel to discuss nuclear weapon free zones (NWFZs). The presentations focused on the role of NWFZs to eliminate the role of nuclear weapons in regions and contribute towards devaluing nuclear weapons globally. Ambassador Ubeda noted that all 33 member states of OPANAL supported a universal legally binding instrument aimed at banning nuclear weapons. The discussion touched upon key questions such as if NWFZ are primarily a non-proliferation measure or a disarmament measure, and how to establish new zones – in particular in the Middle East.

### Other initiatives and proposals

In a third panel, Jarmo Sareva (UN Office for Disarmament Affairs) presented the UN Secretary-General’s 5 point action plan, and Thomas Nash (Article 36) discussed a treaty banning nuclear weapons. This panel, and ensuing discussion, highlighted three different ways forward: a series of mutually reinforcing steps such as CTBT and FMCT, a treaty banning nuclear weapons negotiated by the non-NWS, and a comprehensive approach put forward by the UNSG focusing on a nuclear

weapons convention supported by a range of complementary measures. Advantages and disadvantages on all three approaches were raised by delegations. While there was no general agreement on the best path forward, there was definite good will expressed to find common ground drawing from the different approaches.

### **Transparency, confidence building, and verification**

Anders Persbo (VERTIC), Pavel Podvig (UNIDIR), and Jean Pascal Zanders (EUISS) introduced the final panel for the first week. The panellists discussed existing examples of verification and transparency, such as the IAEA safeguards, the CTBT monitoring system, the INF verification scheme, and the reporting under New START. The panellists also discussed what dismantlement of existing stockpiles could look like, based on experiences from the Chemical Weapons Convention. In light of the presentations, delegations expressed confidence in the technical possibilities for verification, but noted that there continue to be political barriers in moving the NWS towards transparency and a commitment to establishing the necessary verification mechanisms to support a nuclear weapons free world.

### **Perspectives on the necessary framework to achieve and maintain a nuclear weapons free world**

Rebecca Johnson (Acronym Institute for Disarmament Policy) examined the historic role of a so-called “step-by-step” approach versus a “comprehensive” approach within nuclear disarmament processes. She concluded that the two approaches should not be seen as “rivals” or alternatives but complementary. The discussion focussed on what kind of road map would be most efficient to lead to the common goal, a world free of nuclear weapons. Some speakers noted that delegitimation of nuclear weapons through a ban-treaty process led by Non-Nuclear Weapon States would make elimination of nuclear weapons more likely, while others argued that such an approach would just be another non-proliferation measure with no impact on the policies of the NWS and their nuclear weapons stockpiles.

### **A conversation on International Law**

Andrew Clapham (Director of the Geneva Academy) and Louise Doswald-Beck (former Head of the Legal Division of ICRC) led a discussion on international law relevant to nuclear weapons. The starting point was the 1996 Advisory Opinion of the International Court of Justice (ICJ), which focused primarily on the laws of warfare including *jus ad bellum* (laws pertaining to initiation of conflict) and *jus in bello* (laws, such as international humanitarian law, relating to the legality of acts in a conflict). However, the panellists also looked at wider bodies of law such as en-

vironmental and human rights law, other legal principles such as the precautionary principle and the responsibility to protect principle, and other relevant legal developments since 1996 including the establishment of the International Criminal Court and the strengthening of the norm of universal jurisdiction for international crimes. The discussion thus reflected a deepened understanding of the strength of the law against nuclear weapons and the role that law can play in supporting the global prohibition of nuclear weapons.

### **Approaching nuclear disarmament from different angles**

Patricia Lewis (Chatham House), John Borrie (UNIDIR) and Neil Buhne (UNDP) led this panel focused on various arguments for nuclear abolition including the humanitarian approach, economic arguments, legal arguments and military utility (generating security vs. producing insecurity). The discussion focused on how such arguments (angles) can change the debate and what in particular Non-Nuclear Weapon States could do to change the discourse and the ascribed value that nuclear weapons have had. There was also discussion on identifying building blocks towards a nuclear weapon free world, and how to get nuclear armed states on-board.

### **Roles and responsibilities for nuclear disarmament**

Tariq Rauf (IAEA) provided the expertise for a panel on roles and responsibilities. He emphasized that while the nuclear armed states have the main responsibilities to disarm, Non-Nuclear Weapon States have a responsibility to delegitimize nuclear weapons. He highlighted the responsibility of nuclear umbrella states, in particular, to reduce and eliminate the role of nuclear weapons in their shared military doctrines. The debate which followed stressed that nuclear disarmament should not be pursued only by nuclear armed states, but that there are numerous things Non-Nuclear Weapon States can do, like promoting and developing verification measures, removing tactical nuclear weapons, avoiding nuclear energy deals with non-NPT states, establishing NWFZs, prohibiting nuclear weapons in their national legislatures, advancing criminalization of nuclear weapons in the International Criminal Court and adopting/declaring a joint ban on nuclear weapons.

### **The role of parliamentarians in advancing nuclear disarmament**

This special session was organised by the Inter Parliamentary Union (which includes over 160 parliaments including most of those of the Nuclear Weapon States and their allies) and Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND) which has high-level

parliamentary leadership from key countries including some of the NWS and their allies. PNND Co-Presidents Sue Miller (UK, House of Lords) and Saber Chowdhury MP (Bangladesh, President of the IPU Standing Commission on International Peace and Security) spoke of the roles that parliamentarians play in representing civil society to government, and in reaching across national boundaries to build international parliamentary support. This is reflected in the IPU 2009 resolution on nuclear disarmament, the PNND/IPU Handbook that has gone to every parliament (see Appendix B: Useful resources and links), and the recent decision by IPU to focus on the achievement of a nuclear weapons free world and the contribution parliaments can make. PNND Global Coordinator Alyn Ware outlined a number of effective actions parliamentarians had already taken in key countries to advance the steps and framework to achieve a nuclear weapons free world, including through a nuclear weapons convention. The discussion focused on the role of parliamentarians in specific regions, on building cooperative security without nuclear weapons, and on the relationship between parliamentary action and the work of the OEWG.

#### NGO interventions

A number of NGOs made interventions during the two weeks in order to ask questions, impart useful information and put forward views on preferable approaches for nuclear disarmament. These included the Abolition 2000 Task Force on the OEWG, Ban All Nukes Generation, Basel Peace Office, International Campaign to Abolish Nuclear Weapons, International Fellowship of Reconciliation, International Network of Engineers and Scientists Against Proliferation, Mayors for Peace, Nuclear Age Peace Foundation, Reaching Critical Will, Soka Gakkai International, UNIDIR and the World Council of Churches. In the closing wrap-up session on 24 May, the Basel Peace Office presented a paper with reflections on the May sessions of the OEWG and visions for a successful outcome.

#### For further information see:

- ▶ **Reflections on the May sessions of the OEWG and visions for successful outcome**, *Basel Peace Office*, available at [www.baselpeaceoffice.org/oewg](http://www.baselpeaceoffice.org/oewg)
- ▶ **Reports on the first two weeks of the OEWG**, *Reaching Critical Will*, available at [www.reachingcriticalwill.org/disarmament-fora/others/oewg/reports](http://www.reachingcriticalwill.org/disarmament-fora/others/oewg/reports)
- ▶ **Perceptions and views on nuclear disarmament: addressing differences and bridging gaps**, working paper by *Austria*, available at [www.unog.ch/oewg-ndn](http://www.unog.ch/oewg-ndn)

About the publisher:

#### ABOLITION 2000 TASK FORCE ON THE OPENED ENDED WORKING GROUP



**Abolition 2000** is a network of over 2000 organizations in more than 90 countries world wide working for a global treaty to eliminate nuclear weapons.

In response to the creation of the OEWG, Abolition 2000 formed a task force that engages with the OEWG. The Abolition 2000 Task Force on the OEWG focuses on key proposals to advance a nuclear weapons convention or a comprehensive framework of agreements to achieve the prohibition and elimination of nuclear weapons.

The Task Force builds on work that Abolition 2000 has done over the years to promote a nuclear weapons convention, including support for the annual UN General Assembly resolution calling for multilateral negotiations to achieve a nuclear weapons convention (entitled UN Resolution on Follow-up to the International Court of Justice Advisory Opinion); drafting a Model Nuclear Weapons Convention (now circulated by the UN Secretary-General) which outlines the legal, political, technical and institutional requirements to achieve and maintain a nuclear weapons free world; and building support amongst parliamentarians, mayors and civil society for a nuclear weapons convention.

[www.abolition2000.org](http://www.abolition2000.org)

Basel Peace Office (Petersgraben 27, Basel 4051, Switzerland) serves as the logistical host for the Task Force.

[www.baselpeaceoffice.org/oewg](http://www.baselpeaceoffice.org/oewg)



“The General Assembly [...] decides to establish an 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.”

Excerpt from UNGA resolution 67/56 that established the Open Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations”. Read this manual to learn more.