



OEWG REPORT

*Civil society perspectives on the open-ended working
group on nuclear disarmament
2–13 May 2016*



Reaching Critical Will

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The OEWG Report is published by Reaching Critical Will, the disarmament programme of the Women's International League for Peace and Freedom

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The views expressed in this publication are not necessarily those of the Women's International League for Peace and Freedom or the Reaching Critical Will programme.

EDITORIAL: IS IT 1984 AT THE OEWG?

Ray Acheson | *Reaching Critical Will of WILPF*

Listening to the discussion on the first day of the OEWG on now in Geneva, it's difficult to avoid, as usual, the sense that one is caught in a George Orwell novel. In this doublethink world, nuclear weapons are safe; states clinging to a decades-old agenda entangled in a decades-old stalemate are progressive; and the most important thing is to engage states that haven't even shown up to the talks.

With the nuclear-armed states out of the room, it appears to be the task of their nuclearised allies to prosecute thought-crime—i.e. anything that challenges the dominance of those possessing or supporting nuclear weapons. These states, including Belgium, Germany, Italy, Japan, Netherlands, Norway, Poland, and Spain, argue against the prohibition of nuclear weapons. In their interventions and working papers they have described banning nuclear weapons as premature, irresponsible, and ineffectual. In a classic demonstration of doublethink, they simultaneously assert that they support a nuclear weapon free world and seek to prevent feasible actions to attain it.

They also complained that the Chair's synthesis paper is not "balanced" and does not reflect their "progressive approach" adequately. Representing 14% of states in the world, they have delivered 29% of the statements at the OEWG so far this year (see the article by Elizabeth Minor of Article 36 on page 4). This would seem to suggest overrepresentation of a minority-held view, making the call for "balance" in a Chair's summary seem rather undemocratic. At the same time, these states blame others—e.g. the overwhelming majority of states in the world—for being "divisive".

Not everyone at the OEWG is buying into the doublethink, however. The 54 states of the African Group reiterated its call for a ban on nuclear weapons, as did Brazil and Ecuador, among others. Ireland and called for the prohibition and elimination of nuclear weapons while Austria, Kenya, and the International Committee of the Red Cross called for a new legal instru-

ment. New Zealand criticised the status quo as untenable.

Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Indonesia, Malaysia, Mexico, and Zambia have submitted a working paper to the OEWG recommending that the UN General Assembly convene a conference in 2017 to negotiate a legally-binding instrument to prohibit nuclear weapons. These non-nuclear-armed states all recognise what Ecuador described as their "collective responsibility" to spearhead measures such as a prohibition treaty. As the Brazilian delegation rightly pointed out, if the nuclear-armed states wanted a nuclear weapon free world, we would already have it. Negotiating an elimination treaty with their participation at this time is not viable. It's time to ban nuclear weapons.

The risks are too high to wait. That was clear from the remarks of Patricia Lewis of Chatham House. The risks are increasing, she argued, due to the increase in nuclear-armed states, rising global tensions, urbanisation, and what seems to be a weakening norm against the use of nuclear weapons, as seen in the number of threats of use. The probabilities of a nuclear weapon detonation will always be contested, Dr. Lewis noted, whereas the consequences are irrefutable. Thus the precautionary principle must be applied, as it has been successfully during climate change negotiations.

The Mexican delegation had a number of questions for the nuclearised states participating in the OEWG, asking if they had any say over security measures or if those are left to the United States alone. Italy stated that NATO nuclear weapons are "safe, secure, and under positive control," without providing any details. Germany said NATO nuclear weapons have reduced alert levels from the time of the Cold War. None directly addressed Mexico's questions.

For those that still question the prohibition approach despite the absence of nuclear-armed states and the growing de-

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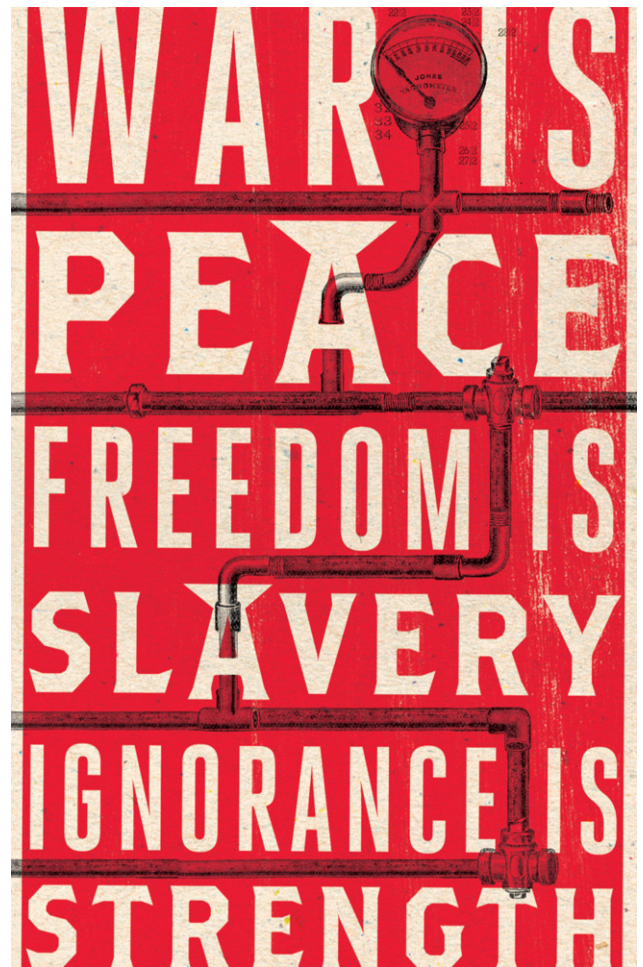
Editorial continued

pendence on doublethink by their nuclearised allies, here are a few questions:

- If the countries that possess nuclear weapons have failed to comply with their legal obligation to disarm in the course of 45 years, are spending billions of dollars to build up or extend the lives of their arsenals into the indefinite future, and refuse to attend multilateral discussions on taking forward nuclear disarmament negotiations, should we wait for them to lead the way to a nuclear weapon free world?
- If the majority of the world's states—including the 127 states that have endorsed the Humanitarian Pledge to fill the legal for the prohibition and elimination of nuclear weapons—reject nuclear weapons as a tool for national security or global stability, consider them a terrible threat to humanity, and want to get rid of them, are they being “divisive”?
- If the only open path to “creating the conditions for nuclear disarmament” is a ban treaty, are we not obligated by our responsibility to humanity to pursue that path?

The answers to these questions should inform the OEWG's recommendations to the General Assembly as well as discussions here over the next two weeks.

For more details about the opening discussion see the News in Brief on page 6. •



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DUTCH PARLIAMENT TELLS GOVERNMENT TO NEGOTIATE BAN TREATY

Susi Snyder | PAX

On Thursday 28 April, the Dutch parliament held a debate about a national ban on nuclear weapons. This was a result of the citizens' initiative by PAX, ASN Bank, and the Dutch Red Cross. The result was that a vast majority of parliament wants the Netherlands to start working internationally for a nuclear weapons ban. When asked if this motion would be applied immediately, the Minister of Foreign Affairs, Bert Koenders, said the Ministry would adhere to the wishes of parliament at the open-ended working group (OEWG).

PAX campaigner Krista van Velzen welcomed this step. "Until now the government didn't think the time was right to negotiate a ban on nuclear weapons. Today the Minister stated he would now actively pursue this. From now on the Netherlands will plead for start of these negotiations. This is a big step forward."

What now at the OEWG

This changed position by the Dutch government should be noticeable during the OEWG. As Minister Koenders embraced the resolution, the Dutch delegation should therefore recognise that negotiations on a nuclear ban treaty will also be considered by the Netherlands as an effective measure to achieve a world without nuclear weapons. The motion also

means that the Netherlands should now be working to actively involve other NATO member states in establishing negotiations.

Decision time

45,608 Dutch citizens signed a petition supporting a ban and wanted to show their support at parliament. The public gallery was so crowded that another room was needed to provide all supporters with a seat. In her speech to parliament, Krista van Velzen stated that the time has come for the government to make a decision: either the Netherlands is in favour of nuclear disarmament or it will hold on to nuclear weapons as long as they exist. "Globally there are 115 countries that have banned this weapon of mass destruction, and 139 countries want to negotiate a ban. If the government doesn't take a decision, it will be isolated in the world."

Krista van Velzen is satisfied with the way the debate went. "Virtually all parties want to take steps. This is partly due to all the signatories of the initiative. Together we made sure that a nuclear ban was put on the agenda. We will continue to work until an actual ban is realised."

You can find the un-official translation of the motion on the NoNukes.nl website, <http://nonukes.nl/open-letter-open-ended-working-group/>. •



Photo © Steven Snoep

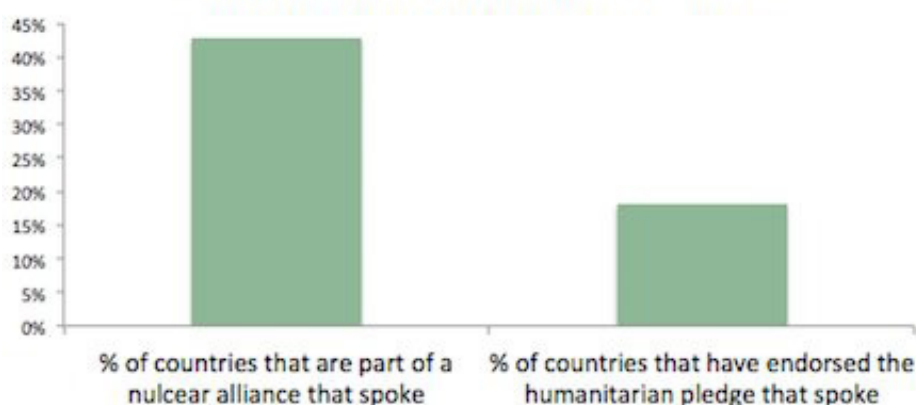
THE BALANCE OF DISCUSSION AT THE OEWG*Elizabeth Minor | Article 36*

The discussions of the open-ended working group (OEWG) on nuclear disarmament are in principle open to the contribution of every country. However, the profile of those that have spoken so far suggests that some perspectives may be overrepresented, and some underrepresented, at this forum.

Over the course of the February session of the OEWG and the first day of May's discussions, 43% of the states that are part of a nuclear alliance or assert protection from others' nuclear weapons (including those that host nuclear weapons on their territories) have spoken. By contrast, only 20% of the states that have endorsed the Humanitarian Pledge spoke. Nuclear alliance states have made 29% of all individual country statements so far, with 59% of statements coming from countries endorsing the Pledge. However, only 14% of states depend on others' nuclear weapons in their security doctrines, and 64% have endorsed the Pledge.

including most nuclear disarmament discussions. (Participation has been far more equal at the meetings of the Humanitarian Initiative on nuclear weapons.) See <http://bit.ly/A36-DD> for recent research by Article 36 around this issue. This general pattern of underrepresentation is observed in statements to the OEWG, where 31% of high-income countries have spoken, 25% of upper middle-income countries, 21% of lower middle-income countries, and 9% of low-income countries so far (country categories are based on OECD-DAC lists). A high proportion of low and middle-income countries are members of nuclear weapon free zones and have endorsed the Humanitarian Pledge, and a large proportion of high-income countries are members of a nuclear alliance.

States with smaller missions in Geneva—or no mission at all, of which there are several—were far less likely to attend February's session (see analysis

Statements given at the February OEWG

These figures suggest that the positions and interests of states that are reliant on nuclear weapons may be being heard at the OEWG out of proportion to their numbers. Countries that have joined the Humanitarian Pledge have committed to fill the legal gap with respect to the prohibition and elimination of nuclear weapons, and to take steps to stigmatise, prohibit, and eliminate these weapons in light of their unacceptable humanitarian consequences. OEWG speaking patterns so far suggest that these countries (and others that support the Pledge's goals) should speak up more during the May session. This is important for states to do towards fulfilling their Pledge, and in order for the discussion to adequately reflect the proportion of governments sharing this view. Speaking patterns will have some significance to how the report of the OEWG to the UN General Assembly will represent the forum's work and recommendations.

Lower-income countries are significantly underrepresented at multilateral disarmament forums,

from the International Law and Policy Institute on this at <http://unidir.ilpi.org/?p=474>). Lower-income countries are more likely to be part of group statements (such as by regions or alliances) at disarmament forums. This may often be a measure taken by these countries to participate to a greater degree in meetings at which they may not have the capacity to make an individual statement or even to attend. In the context of low-income country underrepresentation, it perhaps should be considered how such statements should be taken into account, and what measures can be taken to increase representation. A sponsorship programme is being run for the OEWG, as was acknowledged on Monday. This is a positive measure and likely to have an impact on attendance and participation. The nuclear-armed states have absented themselves by choice from the OEWG's discussions. The more complex barriers to participation presented to other states, however, pose a different set of challenges. •



EVENT: THE GROWING MOVEMENT TO BAN NUCLEAR WEAPONS

Jessica Lawson | *Reaching Critical Will of WILPF*

This side event, organised by the International Campaign to Abolish Nuclear Weapons (ICAN), highlighted the breadth of global support for a ban and offered insights on the potential effects of a ban in particular national and regional settings.

The panel, moderated by Jasmin Nario Galace from the Center for Peace Education, Philippines, offered a small sample of campaigners from various parts of the world. The speakers included Rebecca Sharkey and Janet Fenton from ICAN United Kingdom, Anne Marte Skaland from ICAN Norway, Selma van Oostawaard from PAX Netherlands, Leo Hoffmann-Axthelm, liaison for ICAN to the institutions of the European Union from ICAN Germany, Jessica Lawson from ICAN Australia, Linnet Ngayu from African Council of Religious Leaders, Kenya, and Cristian Wittmann from SHELAC Brazil.

The panelists discussed some of the challenges they face campaigning in their respective regions, including nuclear weapon modernisation programmes, challenges in mobilising constituencies, and misconceptions about the importance of nuclear weapons to maintain national security.

However, the campaigners also highlighted some of the many successes they have achieved in their regions in the past few years. Some of these include:

gathering a large number of signatures for ICAN's parliamentary appeal; getting influential politicians and religious leaders to express support for a ban; and opinion polls showing broad support for a ban.

One of the most recent successes, highlighted by PAX's Selma van Oostawaard, was the debate on a national ban on nuclear weapons held in the Dutch parliament last week. This debate resulted in the vast majority of the parliament wanting the Netherlands to start working internationally for a nuclear weapons ban. The debate had been the result of a petition, which collected 45,608 signatures calling for the parliament to have this debate.

During the general discussion, participants wanted to know whether campaigners were questioning the amount of money that governments spend on nuclear weapons programmes, how they see the ban process going forward, and their experiences mobilising new constituencies on this issue.

As one part of their work, campaigners are challenging the money that governments and financial institutions all over the world spend on nuclear weapons and calling on them to divest. The annual Don't Bank on the Bomb report produced by PAX names and shames financial institutions that invest in companies that produce nuclear weapons.

In terms of mobilising constituencies, the campaigners mentioned building relationships with environmental organisations, religious groups, and other interest groups to bring them on board, while engaging with young people to grow long-term support.

At the closing of the event, ICAN Executive Director Ms. Beatrix Fihn presented the Chair of the Open-ended Working Group, Mr. Thani Thongphakdi, with ICAN's Global Parliamentary Appeal and list of signatories. •

Over the weekend, the International Campaign to Abolish Nuclear Weapons (ICAN) hosted a campaigners meeting ahead of the OEWG. Photos by Tim Wright © International Campaign to Abolish Nuclear Weapons (ICAN)



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.

Opening session

- The OEWG Chair, Ambassador Mr. Thani Thongphakdi of Thailand, presented his synthesis paper summarising the debate of the February session and working papers submitted before 7 April.
- The African Group, Ecuador, and Brazil supported the call for banning nuclear weapons.
- Netherlands argued that WP.9 on the “progressive approach” was not taken into consideration properly in the synthesis paper.
- Japan, Belgium, Germany, Poland, Italy, and Spain, all co-sponsors of WP.9 expressed their concern with some sections of the synthesis report.
- Japan thought instead of talking about four different instruments, the outcome report should discuss two thoughts of schools, one motivated by humanitarian consequences and collective security and the other considering the security concerns of states.
- Germany thought the motivation of states that are members of a military alliance in not supporting a binding international agreement on the prohibition of nuclear weapons is not because of their membership in such an alliance, but because of concerns with the effectiveness of such an instrument if nuclear-armed states are not participating in the negotiations.
- Brazil stressed that absence of all nuclear-armed states suggests they are determined not to contribute to nuclear disarmament.
- New Zealand highlighted that some views are inherently irreconcilable and called for an outcome that moves beyond the status quo.
- Madagascar, Austria, Kenya, and IFRC called for a new legally binding instrument on nuclear weapons.
- Madagascar, Austria welcomed the participation of civil society in the OEWG.
- Malaysia thought the paper is a good basis for the conversations of the coming weeks and stressed that the purpose of the meeting was to move forward on the substance, not to negotiate the synthesis paper.
- The IFRC highlighted the risks of a nuclear explosion and expressed its concern with the lack of humanitarian response capacity. It called on all on states at the OEWG to fulfill commitments of article 6 of the NPT.

- Egypt warned against half-measures on nuclear weapons and expressed support for a new legal instrument to prohibit and eventually eliminate nuclear weapons.

Panel I on measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations

- Patricia Lewis, Research Director on International Security of the Chatham House, explained that if risk is understood as a product of probability and consequences, even very low levels of probability of accidents will result in high risk, as the consequences of any nuclear weapon detonation would be catastrophic.
- She recommended applying the precautionary principle that informed the climate debate in Paris to nuclear weapons and disarmament discussions. Particularly, as unlike a natural disaster, the maintenance of nuclear weapons is an act of human decision-making.
- As a concrete immediate transparency measure, P. Lewis suggested the sharing of risk assessments, which must have been conducted on the part of nuclear weapon possessors and/or their allies, with the broader international community.
- In closing, she highlighted several risks arising from the use of outer space to transmit communication, cyber technologies, and data theft.
- Ireland stressed the crosscutting nature of nuclear weapons issues, in particular the risks involved, and called for connecting the expert and diplomatic communities across different issues.
- Ireland further highlighted the vital role of women in disarmament efforts.
- Austria worried that world’s luck might run out in a security environment today, where risks are trending in the wrong direction.
- Nicaragua asked about the possible impact of the advancement of technological improvements at large in regards to the risk surrounding nuclear weapons.
- Mexico, South Africa, Ecuador reiterated that the only way to eliminate the risk is total elimination of nuclear weapons.
- Mexico further asked if hosting countries could share what they are able to do regarding risk reductions themselves. Are they involved in the decision making process regarding safety measures? Who would be responsible in case of a security failure: the owner of the nuclear weapons, the host, or both?



News in brief, continued

- Brazil recalled that many of the measures to reduce accidental risks have been examined and agreed upon, i.e. in 5c) of the 2010 NPT Action Plan; however, they were not implemented.
- Brazil cautioned that along with increasing cyber vulnerability, cyber armament is another increasing risk.
- Ecuador stressed the shared responsibility of non-nuclear-armed states in fostering legally binding measures for a nuclear weapon free world.
- Costa Rica inquired about the risks arising from non-state actors.
- The James Martin Center introduced its working paper on disarmament and non-proliferation education.
- The de-alerting group presented its working paper and highlighted different measures to reduce risk, such as taking nuclear weapons of high alert.
- Germany did not think the risk of accidental or unauthorized use is higher today and stressed that awareness of the consequences is the major driving force of reducing risks. It also welcomed the information shared by some nuclear-armed states regarding their nuclear arsenals.
- P. Lewis explained that despite increasing or risk perceptions, what changed is the picture of risk and the understanding of the risks. This in turn requires a policy change, such as de-alerting, to address the concerns of the changed understanding of risk.
- In responding to points raised by Japan, P. Lewis, stressed there is really no difference between national security and a collective human security approach, because what's the purpose of national security if not to protect the health of its people.
- With regard to cyber concerns, P. Lewis stressed that vulnerabilities are generally underreported and apart from the recognition of that problem, more would have to be done to address cyber vulnerabilities.
- In responding to the James Martin Center, she agreed that understanding of the impacts of nuclear weapons was still not as wide spread as imagined and called for the inclusion of nuclear weapons detonation scenarios in regular preparedness trainings.
- Italy and Norway recalled the measures for reducing risks contained in WP.9.
- Indonesia asked how awareness raising could be used as an inhibiting factor.
- Thailand stressed that it is undeniable that the risks associated with nuclear weapons are real and states cannot be complacent.
- The ICRC stressed the need for a legally binding international agreement. The ways to reduce the risk of accidental detonation presented during the morning session only are a short-term, interim measures and do not a substitute the prohibition and elimination of nuclear weapons.
- Ireland worried the norm against nuclear weapons use seems to be reducing, despite the information provided by the conferences on the humanitarian impact of nuclear weapons, as we have seen failure of the NPT Review Conference, nuclear tests, unambiguous threats of use by nuclear-armed states, the open pursuit of WMDs by non-state-armed groups, and the ongoing modernization of nuclear arsenals.
- Iraq stressed that risk reduction measures cannot be considered an alternative to a convention to prohibit and eliminate nuclear weapons.
- The Acronym Institute for Disarmament Diplomacy highlighted some of the so-called near misses that were presented by various researchers during the past few years and underlined that transparency and confidence building measures would not be enough to address the risk of nuclear weapons. Rebecca Johnson asked if P. Lewis knows of any consultations and exercises that have been conducted on nuclear emergency planning, response, clean-up, and mitigation in the past 10 years, whether in consideration of accidents or terrorism.
- Wildfire called on states in the room to focus on measures they are able to implement themselves, rather than creating measures for states not in the room.
- Mexico reiterated its statement from the morning session and recalled that more than two thirds of the membership expressed concerns with the humanitarian consequences of a nuclear weapons detonation and their call for these weapons to be never used again under any circumstances by any actor.
- P. Lewis welcomed how much the understanding of nuclear weapon risks has developed since the second HINW conference in Mexico in 2014.
- She stressed that the risks are high always for as long as nuclear weapons exist as the equation is dominated by the consequences part of the equation and changes in the probability will not have great impacts. States should take into consideration for their risk assessments the increased

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News in brief, continued

number of nuclear-armed states, the higher level of urbanization, and the tensions involving nuclear-armed states.

- With regard to the seemingly lowering of threshold to use or weakening of norm against the use, P. Lewis called on states to not meet these threats with counter threats but rather by calling these states out for making such a threat.
- In responding to a question by Egypt, she explained that third party liability would be difficult for military nuclear facilities and wondered how and if civil nuclear liability regimes could be applied in that context.
- She stressed that the recently made available information about the long term affects on women inform a different calculus for men and women and called for more women to participate in the debate around nuclear weapons.
- With regard to Indonesia's question, P. Lewis highlighted that people to people contacts and the human level of cultural exchanges create great inhibiting factors against the use of nuclear weapons.
- In responding to the ICRC, she warned that the short decision making process in launching nuclear weapons might make them prone to further automatisisation. Expressing great concern with this prospect, P. Lewis stressed that in the past it was human judgment and their intervention that have prevented the use of nuclear weapons.
- In response to the question by the Acronym Institute, she explained that some states have begun to include nuclear weapon detonation or terrorism scenarios in their emergency response considerations for bigger events, i.e. South Africa in their preparation for the World Cup.

SIDE EVENT, Palais des Nations, Geneva

TUESDAY 3 May, 13.15-14.45, Room XXV

Humanitarian Impacts of Nuclear Weapons, from 1945 to Future Security

Come and be part of the PANEL CONVERSATION BETWEEN:

- Setsuko Thurlow, who survived the atomic bombing of Hiroshima when she was 13 years old, and has spent her life raising awareness of nuclear dangers and disarmament;
- Dr Ira Helfand, US physician and co-President of IPPNW, who has written about the global climate and agricultural consequences of a "limited nuclear war" in his ground-breaking study "Nuclear Famine"; and
- Ambassador Thomas Hajnoczi, Permanent representative of Austria to the United Nations in Geneva.

Moderated by Dr Rebecca Johnson, Acronym Institute for Disarmament Diplomacy, IPPNW, and ICAN. Sponsored by Acronym Institute for Disarmament Diplomacy, IPPNW, Peace Boat, Hibakusha Stories.

Calendar of events

When	What	Where
09:00-10:00	ICAN campaigners meeting	Room XXV
10:00-13:00	Panel II on transparency measures related to the risks associated with existing nuclear weapons; exchange of views	Room XIX
13:30-14:45	Side event: Humanitarian impacts of nuclear weapons, from 1945 to future security (Acronym Institute for Disarmament Diplomacy, IPPNW, Peace Boat, and Hibakusha Stories)	Room XXV
15:00-18:00	Exchange of views on panel II continued	Room XIX