



# OEWG REPORT



Reaching Critical Will

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

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## EDITORIAL: THE WINDUP BAN CHRONICLE

Ray Acheson | *Reaching Critical Will of WILPF*

A ban on nuclear weapons is coming. Already, before the Chair presents his final report and recommendations to the General Assembly, that message has been received loud and clear.

- 127 states have signed the Humanitarian Pledge to fill the legal gap for the prohibition and elimination of nuclear weapons. These states submitted a proposal to the OEWG calling for the urgent pursuit of a new treaty to prohibit and eliminate nuclear weapons.
- The Community of Latin American and Caribbean States has submitted a proposal calling for the start of “a multilateral diplomatic process for the negotiation of a legally binding instrument for the prohibition of nuclear weapons”.
- Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Indonesia, Malay-

sia, Mexico, Philippines, and Zambia sponsored a proposal to convene a negotiating conference in 2017 for a legally-binding instrument to prohibit nuclear weapons. Austria, Jamaica, and others indicated their endorsement of this recommendation.

- Five Pacific island states—Fiji, Nauru, Palau, Samoa, and Tuvalu—submitted a proposal setting out possible elements to be included in a treaty banning nuclear weapons.

Now, the question for the Chair is whether or not he will reflect this overwhelming support and clear recommendations for the prohibition of nuclear weapons in his report to the General Assembly. The question for the nuclear-supportive states—who have articulated their support for nuclear weapons more strongly than

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**Editorial, continued**

ever before—is whether they will try to block a document with a clear recommendation from the majority of states. The question for those states wanting to pursue a prohibition is if they will accept anything less than what they have passionately and rightfully demanded at this meeting.

The debate at this session of the open-ended working group crystallised two positions on nuclear weapons: they are good for security, or they are bad for security. Those states arguing that nuclear weapons are good for security seem to hold two notions of security in their mind—that of the state, and that of human beings, the environment, and global justice. Those emphatically rejecting any perceived security benefit of nuclear weapons have a more holistic view of security. For these, as Jamaica articulated, disarmament is about people. All people.

“We appreciate that major a factor contributing to resistance to change is often the fear of the unknown and apprehension to depart from a known course of action, even in the face of failure,” noted Shorna-Kay Richards of Jamaica in her closing remarks. But those calling for prohibition and elimination of nuclear weapons also have fears, she explained: “fear for our security; fear for our survival. Indeed, we fear that the ‘grand bargain’ which enabled the coming into the being of the NPT, which is not being implemented in both letter and spirit as well as the backtracking on commitments freely undertaken, keeps us on the brink of massive nuclear violence and threatens the very survival of humanity.”

Fear, however, has brought courage. The demand for prohibition in the face of resistance from nuclear-armed states and their nuclear-supportive allies is a bold, historic move. It opens up space for progress across so many areas and can have a significant impact on the dynamics of international relations, peace, and security.

Ms. Richards quoted Maritza Chan of Costa Rica, who in 2015 said “democracy has come to nuclear disarmament.” Indeed, we have seen greater participation by developing nations in nuclear weapons discussion through the conferences on the humanitarian impact of nuclear weapons. We have seen parliaments in nuclear-supportive states such as the Netherlands and Norway demanding progressive positions on prohibition from their governments. We have seen an overwhelming chorus of voices on the final day of the open-ended working group calling for a fair report that reflects the views of the majority and does not allow the tyranny of the minority to limit collective progress.

The opportunity for change and progress is upon us. States now have a choice: they can shrink from the difficulties that any forward movement requires, especially forward movement that a powerful minority opposes. Or, they can seize this opportunity boldly and move ahead to establish a conference to negotiate a legally binding treaty to prohibit nuclear weapons. What we know is that there is a concrete proposal for negotiation a nuclear weapon ban treaty on the table. We know that it is supported by the majority of states and civil society. It may not be an easy path ahead, but that must not stop us. A ban is in reach, now. •



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## NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will* of WILPF

The News in Brief is not a comprehensive summary of all statements. It highlights positions on a few critical issues covered during plenary discussions. Today's brief covers the exchange of views on the Chair's preliminary summary report and the way forward.

### Chair's Summary

- The Chair presented his preliminary factual summary of the meeting. A first draft of the final report will be presented in late July/early August.
- The OEWG will meet on 5, 16, 17, and 19 August 2016 in Geneva. Further, informal meetings on 8-19 August will prepare the factual report reflecting the various ideas and proposals. The Chair will do his best to reach general agreement.
- Australia expected a credible, balanced report.
- Japan highlighted that recommendations should be agreed and referred to established practice in disarmament forums in that connection.
- Japan also highlighted its efforts to contribute constructively to discussions, based on the "progressive" approach.
- Switzerland thought the report should not shy away from differences on timing and modalities for a prohibition.
- Mexico was concerned that some delegations were beginning to condition what they see as a "fair" report. In that context it is disingenuous of some delegations to say there is no convergence on issues but then demand consensus recommendations.
- Malaysia too feared by placing expectations and demands on the report, some states are setting stage to prejudge its content and challenge the majority view. Rather, the Chair's report should be fair and balanced, and thus reflect the majority demand for negotiation of a prohibition treaty.
- Belgium expected that differences on a ban treaty will make it difficult to agree on recommendations on the way ahead.
- Jamaica saw no reason why states could not begin negotiations of a prohibition instrument and thought the report should recommend negotiations to begin in 2017.
- Brazil, Indonesia underlined the report must contain the unequivocal recognition for the need of beginning negotiations of a legally binding instrument prohibiting nuclear weapons.
- NZ agreed with Brazil and Jamaica on not preventing a clear majority from pursuing a nego-

tiating process right now and said the Chair's summary and recommendations must not simply reflect the lowest common denominator.

### The way ahead

- Palau stressed that nuclear weapons must be prohibited even if there are differences of opinion on the urgency of doing so. It underlined there is now a critical mass of support for the launch of negotiations on a ban treaty.
- Guatemala, El Salvador, the Dominican Republic, Panama, Jamaica, Brazil, Malaysia, Indonesia stressed it is time for a multilateral negotiating process for a legally binding instrument prohibiting nuclear weapons.
- South Africa highlighted the common African position in favour of negotiations on a treaty banning nuclear weapons.
- The NAC warned against a simple repetition of steps and called for new progress through outlawing nuclear weapons.
- Jamaica and Ireland highlighted importance of women's participation and the gender and disarmament discussion.
- Jamaica stressed gender perspectives are vital as violent, militarised masculinities undermine our pursuit of peace and justice.
- Jamaica further underlined a nuclear weapon ban treaty is the next logical step toward nuclear disarmament, which will help further other measures on nuclear disarmament.
- Austria underlined the majority of states want to begin negotiations for a prohibition treaty now. And while there are differences of opinion on timing, on substance everyone wants a prohibition of nuclear weapons at some point.
- Brazil explained it was time for non-nuclear-weapon states to take the lead and turn building-block approach on its head. If other states want to join the prohibition treaty at later stage they would be free to do so but cannot stop others from negotiating it now.
- DRC called for a clear prohibition as part of any future instrument and supported the proposal to begin negotiations on such an instrument in 2017.
- Indonesia
- Wildfire called on states opposing a prohibition treaty to engage honestly with their citizens and other states.
- ICAN stands ready to assist states in moving towards a prohibition treaty. •





## STATE PARTICIPATION AT THE OEWG: WHO WAS REPRESENTED

Elizabeth Minor | *Reaching Critical Will of WILPF*

May's session of the open-ended working group for nuclear disarmament (OEWG) ended with strong support from the majority of the countries present for a new international legal instrument to prohibit nuclear weapons. The majority of the world's countries—127 nations—have endorsed the Humanitarian Pledge to fill the legal gap with respect to the prohibition and elimination of nuclear weapons (with a further 22 voting in favour of a UN General Assembly resolution on the Pledge in 2015). States now look increasingly ready to start negotiations, and turn this support into action.

The OEWG, operating on General Assembly rules, is in principle open to the attendance and participation of any state. The nuclear-armed states have refused to attend and branded the OEWG exclusionary—with some proposing work in the Conference on Disarmament (CD) as an alternative. However, with a membership of sixty-five that is significantly skewed toward richer and western states, as well as states that possess or depend on nuclear weapons, the CD disenfranchises the vast majority of the world's nations (as well as having failed to agree on a programme of work for two decades).

Nineteen states spoke at the OEWG in February and May that have no right to participate at the CD (other than potentially as observers). The great majority of these states were Pledge endorsers, and included Costa Rica, El Salvador, Jamaica, and Palau (countries that have been vocal with proposals at May's session) as well as Thailand—the ambassador of which has chaired the OEWG.

During February and May at the OEWG, data on statements given by individual countries shows that the positions of those who depend on nuclear weapons in their security doctrines may be being heard out of proportion to their numbers (as noted in OEWG Report on 3 May). Nuclear dependent countries made 29% of individual country statements to the OEWG over February and May, despite making up only 14% of countries. By contrast, 59% of statements have been from countries endorsing the Pledge, which make up 64% of nations. These proportions remained similar during OEWG sessions in February and May.

At the end of May's session, 54% of nuclear dependent states had spoken, but only 29% of states endorsing the Pledge. The proportion of Pledge-endorsing states did increase significantly during May's session however—at the end of the first day of May's session, only 18% had spoken. Fourteen Pledge states that had not spoken in February contributed a statement to the May OEWG—all but four of the states speaking for the first time at this session.

Looking at the regional distribution of statements made to the OEWG, across February and May 52% of Western group states spoke, and 45% of Latin American and Caribbean states. Only 17% of African states made an individual country statement, with 25% of Asia-Pacific and 26% of Eastern European states making an intervention at least once.

Lower-income countries are, in general, under-represented at multilateral disarmament forums. The lower a country's income group (using OECD-DAC categories), the less likely they are to be a member of a treaty or forum, to attend meetings, or to speak (see <http://bit.ly/A36-DD>). At the OEWG across February and May, 15% of low-income countries spoke, 24% of lower-middle income countries, 40% of upper-middle income countries and 40% of high-income countries. As noted previously in OEWG Report (2 May), lower- and middle-income countries are also more likely to be members of Nuclear Weapon Free Zones and endorsers of the Pledge.

Countries with fewer resources to devote to multilateral disarmament forums face a number of choices and barriers to participation. For the OEWG, countries without a mission (or specialist disarmament representatives) in Geneva will have struggled to attend. The sponsorship programme offered for May's session will have assisted a small number of states in this respect. Only one country without a mission in Geneva participated in May's OEWG, out of nineteen countries and territories counted without Geneva representation – of which seventeen are Pledge endorsers.

Countries with smaller missions, where staff must cover a larger portfolio that includes disarmament, will also find it harder to participate. Low-income countries made up over half of the states with missions in Geneva that did not attend the OEWG in May. Of the 81 countries with missions in Geneva that did not attend the OEWG in May, 51 were Pledge endorsers. In May, Pledge endorsers were slightly underrepresented (60% of attendees) and nuclear dependent states overrepresented (24% of attendees) in the proportions of states attending.

The Humanitarian Initiative on nuclear weapons has had considerable success in mobilising interest from lower-income countries and world regions that are normally marginalised in nuclear disarmament forums. As progress continues towards the global prohibition of nuclear weapons, issues of representation and barriers to inclusion will continue to require careful consideration. •