



OEWG REPORT

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



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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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EDITORIAL: OPPORTUNITY FOR PROGRESS

Mia Gadenberger | Reaching Critical Will of WILPF

From Monday, 2 May 2016, the open-ended working group (OEWG) to take forward nuclear disarmament negotiations will meet for its second session in Geneva. During the May meetings, it is imperative that states focus their time on discussing elements for a treaty banning nuclear weapons and that they make concrete recommendations to the General Assembly in relation to moving forward with negotiations on such a treaty.

After a fruitful discussion in February, where the prohibition of nuclear weapons provided the key framework for debate and where states and civil society interacted in ways far superior to what we are used to seeing in most multilateral forums on disarmament, it is crucial that the next two weeks are used constructively. The purpose of this body is to "substantively address" and make recommendations to the UN General Assembly about "concrete effective legal measures, legal provisions and norms" to achieve and maintain a nuclear weapon free world. With a significantly greater number of non-governmental organisations and academic institution participating this month, the bar for a fruitful and result-focused debate is raised and states will have to make use of this opportunity for a more focused debate defining elements and processes for the way ahead.

Chair's paper

Since the February session, which provided an opportunity for some exceptionally open and progressive discussions about the way forward for nuclear disarmament, the Chair presented his synthesis paper on 21 April 2016. In his paper, the Chair summarised his perceptions of the discussions so far and a summary of the working papers submitted until 7 April 2016. The paper, after a brief introduction of the mandate and history of the OEWG, looks at suggestions and concrete legal measures discussed during the first session, namely a nuclear weapons convention, a prohibition treaty, a framework agreement, or a "progressive" building blocks approach.

Here he identified several elements that would be common for all options moving forward, which are compiled in Annex I of the paper. The paper goes on to examine various other measures suggested, e.g. regarding increasing transparency or building trust. Here there seemed to be more convergence of views already during the February session. Finally, the paper summarises all the recommendations for the way ahead raised by delegations.

While this synthesis paper is a good summary of the February session and recommendations so far, it's crucial that states focus in on the ideas with the most traction. The prohibition of nuclear weapons is a measure long past due, and as many NGOs and states agree, is the most feasible and practical approach under the current circumstances.

Coverage of the OEWG

Reaching Critical Will, the disarmament programme of WILPF, will provide full coverage of the OEWG proceedings through this daily report. It will provide analysis and advocacy, highlights from the discussions, and reports on side events. You can subscribe to receive this report by email by going to www.reachingcriticalwill.org and subscribing to the First Committee Monitor. On that website, you can also find statements, documents, archived OEWG reports, and more information.

You can also follow the discussions on Twitter at #OEWG, #goodbyenukes, @RCW_, and @nuclearban, among others. •

THE FRENCH DISCONNECTION*Silene Theobald | ICAN France*

“France is fully engaged in nuclear disarmament.

We have an exemplary record in that respect,” replied the French Minister of Foreign Affairs in Parliament three weeks ago when MPs questioned him about the French position with respect to nuclear disarmament and its participation in the future of multilateral negotiations. The Minister pitted the French “pragmatic and responsible” approach against “the ideological approach of the defenders of a total prohibition of nuclear weapons ... who rely on words, instead of action”. France considers that the UN General Assembly resolution “Taking forward multilateral nuclear disarmament negotiations” established the Open-Ended Working Group (OEWG) as a “radical approach, disconnected from the strategic context,” and believes that it will not lead to constructive discussions and concrete progress.

But one may ask: who is really disconnected from what? Last February, during the first session of the OEWG, 90 governments and dozens of civil society organisations gathered to discuss the legal gaps around nuclear weapons and proposals for filling these gaps, the urgency of action, transparency, confidence-building measures, verification, risks, and the question of the relevance of nuclear deterrence. As the name of the working group indicates, discussions were fully inclusive and extremely fruitful. States that have been excluded for decades from the long-moribund Conference of Disarmament (CD), which denies membership to two-thirds of the world’s nations, were able to raise their voices and express their views. Concrete concerns that until now could never move beyond the stage of agenda items in the CD were explored for the first time in in-depth discussions.

And yet France, allegedly “fully engaged for disarmament,” voted against the resolution creating this working group and decided to boycott the discussions, along with China, Russia, the United Kingdom, and the United States. France keeps avoiding questioning the relevance of its continued reliance on nuclear weapons in its military doctrine and ignores any discussion that could help move forward multilateral nuclear disarmament negotiations. This is a country that has shown an incredible capacity to entirely disconnect itself from the international momentum that hundreds of nations have embraced, ignoring a fundamental issue, which in fact directly concerns France.

On the national level, former Defence and Prime Ministers (P. Quilès, H. Morin, M. Rocard) and high-ranked military officials (B. Norlain) have strongly questioned the concept of deterrence in the French military doctrine and the financial means it mobilises within the army. MPs regularly question the govern-

ment and attempt to open the debate on nuclear weapons. ICAN France, thanks to its ICAN Youth project on the humanitarian approach to nuclear disarmament, detected a strong will from French youth to obtain more information about the nuclear arsenal and nuclear disarmament initiatives on the international level. They wish to ignite public debate and voice the incomprehension of the young, post-Cold War generation towards the legitimacy of these “old weapons”.

And yet, this questioning is not reflected at high levels of the state. France unconditionally maintains its discourse about the necessity of nuclear weapons to ensure its peoples’ “freedom and independence;” it keeps investing billions of Euros in modernisation; and it continues praising the exemplary commitment of France in respect to disarmament, without providing any space for debate.

The French Ministry of Foreign Affairs claimed it found this OEWG too accessible for civil society, arguing that the lack of shared aspirations between civil society and the Ministry prevents France from participating in these discussions constructively. This gives a good idea of the level of French transparency when it comes to nuclear disarmament, if the only discussions the Ministry is willing to take part in are the ones in which it agrees on the interlocutors. This closed-mindedness causes France not only to be disconnected from international concerns, but also from the questions raised within its own borders.

This is why it is so important for French civil society to be present and audible during this UN working group, to show that the “consensus” often stated by the French authorities is a myth. And this is why it has been extremely encouraging for us to see so many states respond positively to the call of the OEWG in February, and to hear so many nations speak in favour of a ban on nuclear weapons.

French civil society needs the real “disarmers” to call upon France to shoulder its responsibilities and move towards this world without nuclear weapons it claims it wants to achieve, and to show they take action and do not only rely on words. We are encouraging all states to participate in the OEWG and to engage urgently in the construction of the strongest legal norms possible. Our efforts must lead to the negotiation of a ban treaty to ensure the security of all in a world without nuclear weapons. •



ican France

Campagne Internationale pour abolir les armes nucléaires



THE NOT-SO-PROGRESSIVE APPROACH

Tim Wright | *International Campaign to Abolish Nuclear Weapons (ICAN)*

// Our progressive approach is a clarion call for action,” declared Australia’s disarmament ambassador, John Quinn, upon introducing a paper to the February session of the UN open-ended working group on nuclear disarmament. Many of the other diplomats in the room appeared doubtful.

In recent years, Australia has become an outspoken defender of the nuclear status quo. Its conservative foreign minister, Julie Bishop, has opposed moves towards a global ban on the worst weapons of mass destruction. US nuclear weapons, she says, guarantee Australia’s security and prosperity.

Seventeen other ostensibly non-nuclear nations, mostly members of NATO, co-sponsored the Australian-led paper, misleadingly titled “A progressive approach to a world free of nuclear weapons”. These states are not against nuclear weapons per se. Indeed, five host US nuclear bombs on their soil.

The “progressive approach” is the latest iteration of the “building blocks approach” or “step-by-step approach,” which the same states have championed for decades without yielding significant results. The regular rebranding is, one can only conclude, an attempt to disguise the staleness of the ideas it contains.

Many of the paper’s co-sponsors, rather than earnestly pursuing nuclear disarmament, have increasingly focused their efforts on stalling moves towards a treaty banning nuclear weapons. This seems to have become their overriding mission—despite being legally bound to pursue negotiations in good faith for disarmament.

All but one of the co-sponsors subscribe to the doctrine of “extended nuclear deterrence”. In other words, they would support the use of US nuclear

weapons on their behalf in certain circumstances. Finland is the only one that doesn’t, though its views align closely with those of its NATO neighbours.

The co-sponsors rightly regard the push for a ban as a threat to their continued reliance on nuclear weapons. While they may endorse the ultimate goal of a nuclear-weapon-free world—as do the nuclear-armed states—they have shown little willingness, as yet, to modify their own behaviour to help get there.

Despite being a “clarion call for action,” the paper has a decidedly negative tone: its first paragraph declares there will be “no quick fixes” to achieve a nuclear-weapon-free world, and the security concerns of states with nuclear weapons or in nuclear alliances cannot simply “be brushed aside”.

The “progressive approach” consists of a number of “building blocks” that would supposedly take us to a “minimization point”—when there are “very low numbers” of nuclear weapons in the world. “Needless to say, significant work remains ahead of us before we attain this point,” the paper states.

Upon reaching the minimization point, “further thought” could then be given to the possibility of a multilateral nuclear disarmament treaty, which would be the “final” building block for elimination. However, an “axiomatic requirement” is that the treaty would include all nations with nuclear weapons.

It is unclear whether, even at this far-off point in the indefinite future, nuclear weapons would be declared illegal to use, produce, and possess. According to Australia, a prohibition would “possibly ... be appropriate,” but only after all nuclear weapons had been eliminated, and not before.

**ANALYSIS
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Reaching Critical Will provides tools and resources for governments, civil society, UN staff, and academics on many disarmament-related issues, including nuclear weapons, autonomous weapon systems, explosive weapons in populated areas, the arms trade, small arms, and more.

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The not-so-progressive approach, continued

Yet, for other weapons of mass destruction, and for certain conventional weapons, prohibition has preceded—and stimulated—elimination. Weapons that are outlawed increasingly become seen as illegitimate, losing their political status and, along with it, the resources for their perpetuation.

The “progressive approach,” rather than being a clarion call for action on disarmament, is chiefly concerned with non-proliferation. The co-authors invoke non-proliferation challenges as an excuse for disarmament failures. Strengthening the non-proliferation regime, they argue, would “help create an appropriate climate for disarmament to progress.” The current climate, in other words, is not conducive to disarmament action.

Notably absent from the “progressive approach” are steps that the co-authors themselves will take to advance nuclear disarmament. Since the NPT entered into force four and a half decades ago, these nations have done little, if anything, towards ending their own reliance on nuclear weapons.

They have become adept at recommending particular courses of action for nuclear-armed nations to follow, but their own record on implementing the disarmament provision of the NPT (article VI) leaves much to be desired. The precarious state of the Treaty today is, to some extent, attributable to their inaction.

The “progressive approach” paper calls for increased transparency with respect to nuclear arsenals. However, five of the co-sponsors refuse even to admit, officially, that they host nuclear weapons on their territory. Their cold war-era policy of nuclear opacity, or ambiguity, is little different from that of Israel.

The paper calls for greater education on the humanitarian consequences of the use of nuclear weapons. Yet, most of the co-sponsors have refused to endorse the joint statements that note “it is in the interest of the very survival of humanity that nuclear weapons never be used again, under any circumstances”.

The co-sponsors of this paper view the possession of nuclear weapons by certain states as legitimate and justifiable given “the prevailing international environment”. They seem determined to continue relying on nuclear weapons in their military doctrines indefinitely, while ensuring that no other nations do likewise.

They argue that humanitarian-based efforts to prohibit nuclear weapons fail to take into account the supposed security benefits derived from possessing these ultimate weapons of mass destruction. And they believe that “legitimate security concerns” must be balanced against “humanitarian concerns”.

But humanitarian concerns are not distinct from security concerns. This is a false dichotomy they have developed. Humanitarian concerns are, first and foremost, about protecting the safety and security of civilian populations. The very purpose of a treaty banning nuclear weapons is to enhance global security.

The co-sponsors of the “progressive approach” paper urge nations to focus on “common ground”, not differences. They warn of the “further fragmentation” of the international community—seemingly oblivious to the divisiveness of their own actions, not least of all the hosting of nuclear weapons.

After years of broken promises by nuclear-armed states, it would be futile, indeed reckless, to continue pursuing yet more lowest-common-denominator outcomes of the kind routinely brokered at NPT meetings. Instead, nations that favour disarmament must join forces to create strong new treaty-based norms.

Fierce resistance to a ban is inevitable. States with nuclear weapons, and many of their allies, are intent on keeping them. They believe these inhumane weapons afford them prestige in international affairs. But that perception can change, and it can change soon—if the international community chooses to ban the bomb.

This is an abridged version of an article published at www.icanw.org. •

Calendar of events

When	What	Where
09:00-10:00	ICAN campaigners meeting	Room XXV
09:40-10:00	Presentation of second-generation A-bombed tree from Hiroshima	Room XIX
10:00-10:30	Opening session, presentation of paper	Room XIX
10:30-13:00	Panel I on measures to reduce and eliminate risk of nuclear weapon detonations	Room XIX
13:30-14:45	The growing movement to ban nuclear weapons: civil society perspectives (ICAN)	Room XXV
15:00-18:00	Exchange of views	Room XIX
18:00-19:00	Briefing with Chair of OEWG for civil society organisations (RCW)	Room XXV