

**Presentation by Ms Shorna-Kay Richards**  
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***on the Humanitarian Initiative and the Open-Ended Working Group on Taking***  
***Forward Multilateral Nuclear Disarmament***  
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**Introduction**

Please allow me to begin my presentation with a few words of thanks to the organisers of this annual Summer School on nuclear disarmament and non-proliferation: the Government of Mexico, the James Martin Center for Non-proliferation Studies (CNS), OPANAL and the Matías Romero Institute. I thank them not just for inviting me but for their longstanding commitment to disarmament and non-proliferation education.

Let me also at the outset say how pleased I am to have this opportunity to speak with you today about the Humanitarian Initiative and the Open-ended Working Group on *Taking Forward Multilateral Nuclear Disarmament Negotiations (OEWG)*. I am particularly pleased to do so as the Humanitarian Initiative on Nuclear Weapons (HINW) has become part of the multilateral discourse on nuclear weapons and, as you will learn, has empowered a diverse group of actors, including Small Island Developing States like Jamaica, to make a contribution to advancing the goal of nuclear disarmament. Moreover, the Initiative has reinvigorated the longstanding efforts of the Latin America and Caribbean region and created a new space for it to play a leadership role in developing effective legal measures to attain and maintain a world without nuclear weapons. In the future, some of you may decide to become involved in advancing the national, regional and international goal of a nuclear free future – the important training you are receiving this week will certainly help to equip you to do so. As Masako Toki, Education Project Manager at the CNS said “the power and promise of education to achieve this goal should be more widely recognized by world leaders”.

We have just listened to Ms Maria Antonieta Jaquez’s comprehensive overview of the Humanitarian Initiative. My presentation will build on hers by focusing on the impact of the Initiative on the disarmament community, i.e. how this Initiative is

viewed by the various players: non-nuclear weapon States; nuclear umbrella States, nuclear weapon States and civil society.

From its inception, the Initiative has brought together a diverse group of participants, including States that have historically played a leadership role in disarmament and nonproliferation initiatives such as Austria, Mexico, Switzerland, Ireland, New Zealand, South Africa and Norway; States with nuclear weapons, such as India and Pakistan; and States in nuclear alliances (the so-called nuclear umbrella States), international organisations, including the International Committee of the Red Cross and Red Crescent Movement and civil society.

As you have heard, the HINW initiative has developed far beyond the three conferences and also included statements in the United Nations General Assembly and the Preparatory Committees of the 2015 NPT Review Conference, as well as increased engagement and research by civil society and think-tanks. A new international coalition, the International Campaign to Abolish Nuclear Weapons (ICAN), has galvanized young people and inspired non-governmental organizations all over the world to join in. Over the course of the past four years, as Dr. Patricia Lewis of Chatham House has pointed out, “the Initiative has undertaken new research, disseminated facts, and opened-up and energized a broader and deeper discussion about nuclear weapons”.

### **The Humanitarian Initiative and Non-nuclear Weapon States**

Let me begin my looking at how non-nuclear weapon States (NNWS) view the Humanitarian Initiative. As you are aware, all Member States of CELAC fall within this category. In sum, the HINW initiative is seen by NNWS from three key linked and mutually reinforcing perspectives: 1) as an empowering discourse to reframe the nuclear disarmament agenda; 2) as an opportunity to change the status quo in nuclear disarmament from inaction to action on the NPT’s vital disarmament pillar; and 3) as a pathway to stigmatizing and delegitimizing nuclear weapons en route to the total elimination of these weapons.

As the International Law and Policy Institute noted in its article entitled “Wanted: Resolute Normative Leadership”, “Having left the issue of nuclear disarmament to the good faith of the nuclear-armed states for decades, the vast majority of the United Nations Member States has remained largely disenfranchised”. With the

humanitarian discourse on nuclear weapons, however, “the non-nuclear weapons States have been empowered and are laying the groundwork for re-entering these discussions”.

The Humanitarian Initiative provides NNWS with a platform for demanding that their concerns are placed on equal footing with the security considerations of nuclear-armed States. The humanitarian discourse presents in effect an opportunity for the non-nuclear weapons States to re-assert themselves and, in so doing, level the diplomatic playing field.

As Ms Jaquez’s presentation highlighted, the HINW initiative arose largely out of frustration with existing disarmament fora, namely the NPT and the Conference on Disarmament (CD). It also emerged as a result of a general shift by many states towards human security considerations, in which all weapons use is viewed through a humanitarian lens. A central aspect of this frustration is embodied in the criticism leveled at the nuclear-weapon States (NWS) for the pace at which they are working towards honouring their nuclear disarmament obligations/commitments as mandated under Article VI of the Treaty and subsequent NPT review conferences.

As you would have gleaned from Dr. Tariq Rauf’s presentation, both NWS and NNWS have committed to the total elimination of nuclear weapons under the NPT. However, more than forty-five years after the entry into force of the Treaty and more than twenty-five years after its indefinite extension, the international community is still unable to undertake negotiations in good faith on nuclear disarmament. In essence, this critical goal remains elusive. Moreover, it appears that the indefinite extension of the NPT in 1995 seemed to have, in the words of the former Foreign Minister of India- Jaswant Singh, ‘legitimized in perpetuity the existing nuclear arsenals and, in effect, an unequal nuclear regime’.

Though supportive of the NPT, many NNWS frequently criticize it for having essentially preserved the Cold War status quo. Indeed, nuclear-weapon States have a decidedly different perception of urgency when applied to nuclear disarmament. As such, the frustration felt by NNWS about what they view as the glacial pace of nuclear disarmament, allied to their concern about the ineffectiveness of the NPT, have been growing. This sense of frustration became even more acute during the failed 2015 NPT Review Conference and is

exacerbated by the fact that nuclear weapon States are all currently undertaking costly projects to renew or modernise their arsenals. There are some that even make arguments defending their possession of nuclear weapons for the foreseeable future.

Buoyed by the Humanitarian Initiative, NNWS are questioning NWS about their intention to implement their part of the NPT's 'grand bargain', namely to completely eliminate their own nuclear arsenals. For many of the non-nuclear-weapon states, these questions have not only been asked, but also translated into clear demands for action. And the key demand around which an ever increasing number of both governments and NGOs are converging, is for a general prohibition on nuclear weapons along the same lines as the prohibitions on chemical and biological weapons. While the idea of such a prohibition is not new stretches back decades, the empowering component of the current thinking is that such a prohibition could be negotiated even without the nuclear-weapon States being on board — because a ban on nuclear weapons, it is argued, is not about the nuclear weapon States. It is really about the weapons themselves and their unacceptable humanitarian consequences.

How have NNWS utilized the humanitarian approach to nuclear disarmament? Ms Jaquez showed the various ways in which NNWS and civil society have sought to leverage the HINW initiative, including through the three conferences in Oslo, Nayarit and Vienna, joint statements in the NPT review process and in the First Committee of the UN General Assembly, as well as by the recent establishment of the OEWG on taking forward multilateral nuclear disarmament negotiations in Geneva. Against this background, I wish to briefly highlight the important role played by the Community of Latin America and Caribbean States and in particular Mexico.

### ***Community of Latin America and Caribbean States (CELAC)***

CELAC States are fully supportive of the HINW initiative and we are extremely concerned that the world continues to live under the constant threat of a nuclear war. Our concern is rooted in the knowledge that a nuclear weapon detonation would occasion catastrophic humanitarian consequences that would affect the planet as a whole, irrespective of the region in which it takes place. Such an existential risk continues to exist, mainly because a few countries still regard nuclear weapons as legitimate guarantors of stability and security. We are

particularly concerned that these countries fail to acknowledge that the strategic utility of nuclear weapons embodied in nuclear deterrence theory provides a false sense of security. In fact today, nuclear weapons constitute the most immediate threat to the survival of the human species and the very existence of our world. In CELAC's view, it is unacceptable that nuclear weapons remain the only weapons of mass destruction not yet comprehensively prohibited.

As the Secretary-General of OPANAL, Ambassador Luiz Filipe de Macedo Soares, has pointed out Latin America and the Caribbean brought to world peace and security an inestimable and truly innovative contribution. A space equivalent to 20 million square kilometers, which is home to about 600 million people, has been kept free of nuclear weapons. A very pertinent point that he has also made is that "Latin America and the Caribbean may not be a Shangri-La, but it is important to note that no significant crisis affecting world peace and security has arisen there since many years. Not a single country in the region is party to any military alliance based on nuclear weapons". These are the only credentials we in Latin America and the Caribbean need in order to be increasingly active and outspoken in the debates and initiatives in favour of a world free of nuclear weapons.

Against this backdrop, CELAC Member States have supported the establishment of the OEWG and were among the main sponsors of the General Assembly resolution that convened the Group. The Community has committed to work in the OEWG in an active and constructive manner, in keeping with the region's strong political and moral leadership on this subject. It is worth noting that CELAC's leadership and active participation is in keeping with its Special Declarations on the Commitment to advance Multilateral Negotiations on Nuclear Disarmament adopted by Heads of State and Government of the Community. Our leadership and bona fides also stem from the fact that all CELAC Member States are parties to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), which as you learnt this morning, established the first Nuclear-Weapon-Free Zone in a densely populated area.

By choosing to prohibit and prevent the "testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons" and the "receipt, storage, installation, deployment and any form of possession of any nuclear weapons", the States Parties to the Tlatelolco Treaty reaffirmed our collective view that there are more rational alternatives in addressing security concerns

than to rely on doctrines of so-called strategic stability and nuclear deterrence, which are based upon the constant threat of mutual annihilation.

Furthermore, based on the firm conviction that the use or threat of use of nuclear weapons would be a violation of the Charter of the United Nations, a crime against humanity, and also constitute a violation of International Law, including Humanitarian Law, CELAC Member States have decided to join the efforts by the international community to advance towards the negotiation of a universal legally binding instrument prohibiting the possession, development, production, acquisition, testing, stockpiling, transfer, use and threat of use of nuclear weapons.

The Community is of the firm belief that a global prohibition on nuclear weapons can contribute to attaining and maintaining a world without nuclear weapons and therefore proposed to the second session of the OEWG in May that a recommendation be made to the UNGA to begin a multilateral process for the negotiation of a legally binding instrument for the prohibition of nuclear weapons towards their total elimination.

### *Mexico's Leadership*

Let me also take the opportunity to highlight Mexico's key role, which has been underpinned by its historical commitment to nuclear disarmament. Mexico has been at the forefront of efforts to promote and leverage the HINW to take forward multilateral nuclear disarmament negotiations, including through the hosting of the Second Conference on *The Humanitarian Impact of Nuclear Weapons* in Nayarit in February 2014. A noteworthy development at the Nayarit conference, which was attended by 146 states, was the pronouncement by Ambassador Juan Gomez Robledo, Chair of the meeting and Deputy Foreign Minister for Multilateral Affairs and Human Rights, that "The broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument". The Nayarit Conference showed that time had come to initiate a diplomatic process conducive to this goal.

Through its participation in the New Agenda Coalition (NAC), Mexico also contributed to the milestone working paper presented by the NAC at the April 2014 NPT Preparatory Committee meeting. The paper set out a number of

options on effective measures to fulfill the NPT's Article VI commitment to nuclear disarmament. These options included a treaty banning nuclear weapons, a Nuclear Weapons Convention, a 'framework' arrangement, or a 'hybrid' arrangement for nuclear disarmament. The NAC paper provided a useful basis for States both within the NPT and which support the humanitarian initiative to consider collective action on next steps for progress towards nuclear disarmament. Importantly, at Mexico's initiative the General Assembly adopted resolution 70/33 in December 2015 convening the OEWG on nuclear disarmament. Despite strong opposition from the NWS and many nuclear umbrella states, the resolution was adopted with the support of more than two-thirds of the United Nations membership. This was seen as a significant victory for Member States committed to moving the nuclear disarmament agenda forward. It also demonstrated the effectiveness of multilateral diplomacy in the field of disarmament and non-proliferation.

### **Nuclear Umbrella States**

Let's now look at how the HINW initiative is viewed by another category of States: the nuclear umbrella States. These are the non-nuclear-weapon States parties to the NPT that are in a nuclear alliance with one or more nuclear-weapon states. As such, these States depend to some extent on nuclear weapons for their security and defence. They include the 28 members of the North Atlantic Treaty Organisation (NATO), plus Japan, South Korea and Australia, as well as some former Warsaw Pact countries.

Nuclear alliance States have been criticized, both by other States and civil society organizations, for the apparent double standard and possible conflict of interest involved in supporting nuclear disarmament while benefiting from the protection of nuclear weapons. The HINW initiative therefore presents a particular dilemma and challenge for these States, as it goes to the very heart of the question as to whether they are really committed to nuclear disarmament. It forces these States to seriously consider reducing their reliance on the nuclear umbrella and, therefore, they regard the HINW initiative and in particular, the push for a ban treaty as a threat to their continued reliance on nuclear weapons.

Moreover, they view the possession of nuclear weapons by certain States as legitimate and justifiable in view of the prevailing international security environment. They therefore argue that the humanitarian based efforts to prohibit nuclear weapons fails to take into account the supposed security benefits

derived from possessing these weapons, which must be balanced against the humanitarian concerns.

Let me add at this juncture that this group of States is not homogenous. There are roughly two main camps within the group; the tentative supporters of the Humanitarian Initiative such as Sweden and Switzerland, and the defenders of the nuclear status quo such as Australia, the Netherlands, Canada, Germany, Poland, and Hungary. The tentative supporters broadly and cautiously engage with the Initiative's activities, but maintain that there are both humanitarian and security considerations surrounding nuclear weapon policy. They also do not believe that the Initiative undermines existing multilateral or bilateral disarmament mechanisms, but are nevertheless reluctant to be seen as placing undue pressure on their NWS allies.

During the last session of the OEWG in May, a number of nuclear umbrella States co-sponsored a paper entitled "A progressive Approach to a world free of nuclear weapons". This so-called Progressive Approach is the latest iteration of the step-by-step approach i.e. a traditional way of thinking about nuclear disarmament. This traditional approach involves the taking of independent steps, such as negotiating a comprehensive ban on nuclear testing, providing adequate security assurances for non-nuclear weapon States, halting the production of fissile material, and negotiating verifiable arms reduction treaties. Nuclear umbrella States, like the NWS, believe that these actions should be pursued in successive and mutually supportive steps until a world without nuclear weapons is achieved. In response to the HINW initiative, they also urge nations to focus on common ground, not differences and warn of the danger of further fragmentation of the international community.

### **Nuclear-Weapon States and the HINW**

Unsurprisingly, NWS have demised and resisted involvement in the Humanitarian Initiative and have referred instead to the need to fulfill the 64- point Action Plan agreed at the 2010 NPT Review Conference. They contend that the Humanitarian Initiative's activities are a diversion 'from the practical steps required to create the conditions for further nuclear weapons reductions' and criticize the Initiative as a departure from the Action Plan.

These States have argued, since the time of the first humanitarian impacts conference in 2013, that specific focus on the humanitarian impact is willfully idealistic, distracts from their preferred 'step-by-step' approach to nuclear disarmament, and therefore undermines the NPT. For example, in March 2013, the UK expressed concern 'that the Oslo event will divert attention and discussion away from what has been proven to be the most effective means of reducing nuclear dangers—a practical, step-by-step approach that includes all those who hold nuclear weapons, arguing that 'only in this way could we realistically achieve a world without nuclear weapons'.

In fact, to the contrary the humanitarian initiative does not distract from or undermine the NPT. The humanitarian concerns are fundamental to the NPT as its preamble states clearly when 'Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples'.

The five nuclear-weapons states have also boycotted the OEWG. These States and their allies believe that Article VI of the NPT does not contain a legal gap. They consider that there is no general and universally applicable authorization or prohibition in international law regarding the possession of nuclear weapons. They stress that the international security environment, current geopolitical situation and role of nuclear weapons in existing security doctrines should be taken into account in the pursuit of any effective measures for nuclear disarmament. In concert with nuclear umbrella States, they argue that approaches which do not take this into account would not achieve participation from nuclear-armed States and other States that rely on nuclear weapons in their security doctrines. Moreover, they view the involvement of all States that possess nuclear weapons as the best chance for reaching a world without nuclear weapons.

These States therefore continue to push for the step-by-step approach and are reluctant, even adamantly opposed in some cases, to pursue a single, comprehensive and time-bound agreement on the prohibition and elimination of nuclear weapons. They are also opposed to the negotiation of a legally binding prohibition prior to the elimination of nuclear arsenals. A prohibition-first approach is, from their perspective, draws attention away from efforts to initiate

steps they view as more pressing such as the negotiation of a Fissile Material (Cut-off) Treaty (FM(C)T).

### **Civil Society and the HINW Initiative**

Let me say a few words about the role of civil society groups whose advocacy and activism have been at the heart of the HINW initiative. One key objective of the Initiative is to convey the facts about nuclear weapons use to a broader audience, so that the general public becomes part of a debate that has long been dominated by politicians. Indeed, as Dr. Patricia Lewis of Chatham House noted “a critical step towards demystifying nuclear weapons is to increase scientific and technical understanding”. She further noted that, “one potential avenue for greater public engagement is to highlight the negative economic impacts based on a wider cost-benefit analysis of nuclear weapons use and possession”. Civil society engagement has been helpful in this regard.

Indeed, the current momentum and shift in discourse on nuclear disarmament has been accelerated by revitalized civil society action. This is effectively represented by the International Campaign to Abolish Nuclear Weapons among other entities. There is also a renewed call for disarmament from religious leaders – most notably Pope Francis. ICAN, a coalition of more than 300 civil society groups now active in more than 80 countries, is actively engaged in raising awareness about the catastrophic humanitarian consequences of any use of nuclear weapons. It has called for States to commence negotiations on a treaty banning nuclear weapons which they view as merely the logical outcome of an examination of the risks and consequences of nuclear weapons detonation.

ICAN and others argue that a new legally-binding instrument to ban nuclear weapons is now required, in the same way that chemical and biological weapons and a range of conventional weapons are subject to legal prohibitions. They view this as a realistic political and normative objective for States to pursue in a negotiating process that is “open to all and blockable by none”. Their call for a ban treaty has been strengthened by the widespread support it received at the Vienna conference and more recently at the OEWG.

## **Concluding thoughts**

I wish to conclude with some thoughts on the way forward. The first is that the status quo is longer acceptable. The Humanitarian Initiative gives us, as the international community of States large or small, developed or developing, nuclear armed or non-nuclear weapon States, together with civil society, an opportunity to pursue a new approach – one that can accelerate our collective efforts to rid the world of nuclear weapons. The principles of equality and justice are at the core of this new approach.

Indeed, the Humanitarian Initiative has mobilized the human element for action on nuclear disarmament and, in so doing, has brought onboard a more diverse group of actors. As Maritza Chan of Costa Rica said during the 2015 NPT Review Conference, “it is indisputable that democracy has come to nuclear disarmament”. Oslo, Nayarit and Vienna as well as the first and second session of the OEWG have proven that the non-nuclear weapons States have a say in nuclear disarmament issues. Our voice matters. We have agency. And with the agency of non-nuclear weapon States another fundamental element of democracy has emerged, i.e. inclusiveness.

We must translate our credibility, agency and inclusiveness into a powerful movement to further transform the status quo that threatens our collective security and well-being. In the words, of Mexico’s Permanent Representative to the CD, Ambassador Jorge Lomonaco, “the best legacy we can leave for future generations and the ultimate tribute to the victims of the nuclear attacks and tests is to build a peaceful and safe international security system, rooted in the strength of ethics and international law rather than on the threat of nuclear weapons”.

In this great endeavor, disarmament education matters.