



Open Ended Working Group on Nuclear Disarmament, Geneva

10 May 2016

Ireland

Statement by Ambassador Patricia O'Brien

Mr Chairman,

I would like to thank Professor Casey-Maslen for his challenging and illuminating presentation yesterday. Once again, we see the strong contribution which academics, experts, and our civil society partners can bring to this discourse and we welcome and value their engagement as we continue with our work here this week.

The range of detailed questions posed by Professor Casey-Maslen are a very helpful guide to us as we begin to drill down into the details of the elements set out in your Synthesis Paper. We welcome this interrogation of the issues, including the focus on the necessary legal definitions, compliance and verification, enforcement and penalties. We also note Professor Casey-Maslen's

remarks on the need for an International Body or Institution to oversee compliance and, of course, the important question of the costs and funding for such a role. His questions on the distinction between use and threat of use, and between testing and use, and the ambiguity surrounding these issues are also of great interest and deserving of further expert scrutiny.

This discussion is about the future and I have no desire to over-indulge in the lessons of history. However, sometimes, in order to move forward, one has to first look back. In this context, I wish to recall that Ireland was a founding member of the New Agenda Coalition, which was launched in Dublin in June 1998. The origins and driving force of the NAC lie in the very same lack of progress, the same deep frustrations and the same humanitarian concerns on the part of non-nuclear weapons states which have led to the establishment of this Open Ended Working Group, nearly twenty years later.

In the original 1998 Joint Declaration, our Minister, together with fellow NAC Ministers, called on the Nuclear Weapon States to commit themselves unequivocally to the elimination of their respective nuclear weapons and nuclear weapons capability and to agree to start work immediately on the practical steps and negotiations required for its achievement. That same Declaration stated clearly that the maintenance of a world free of nuclear weapons would require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.

The gap was identified in 1998. Nothing has changed. Since then, we have worked with our NAC partners to further develop our thinking and to elaborate,

in increasing detail, the various effective legal measures which would be required to deliver on the 46 year old promise of Article VI of the NPT. We have set out our views in UN Resolutions which have attracted consistently overwhelming support and in Working Papers submitted to the previous OEWG in 2013 and as part of the NPT Review Process. Ireland's position has always been to contribute constructively and creatively to the debate and to engage with all views and all parties, in the interests of genuine progress. It is in all our interests to secure a universal approach. The 13 Practical Steps of 2000, which included the unequivocal undertaking sought by the NAC, and the Action Plan of 2010, seemed at the time to hold out great promise. Regrettably, that promise has not been delivered on and disarmament commitments continue to lag far behind those on non-proliferation.

Instead, we have seen a notable rowing back on that unequivocal commitment to nuclear disarmament in the text of the recent G7 Hiroshima Declaration. Instead of commitment, there is a tangible sense of "going through the motions" on this issue. The so-called building blocks approach has become the blocked approach. But just because a situation has become normalised does not make it right. In the NPT, indefinite retention of nuclear weapons was not envisaged. Modernisation was not envisaged. A continued or enhanced reliance on nuclear weapons in security doctrines was not envisaged. At least, not by those States who joined the NPT as Non-Nuclear Weapons States. This is not a sustainable or justifiable position and leaves the NPT open to allegations of imbalance, if not downright discrimination. We believe that this OEWG provides us with the first real opportunity to begin to deliver on that original imperative for "a new agenda" and to discuss, examine and test the options for progress which the NAC, and others such as UNIDIR, have presented, which have the viability to deliver on our shared objectives and take the agenda forward.

It is clear from our deliberations that the current architecture lacks the mechanisms to bring about the urgency, focus and clarity necessary for disarmament objectives to be achieved. It is also clear that, whatever fresh approach we take now to remedy this, the complete prohibition and elimination of nuclear weapons is the common and undeniable goal. We align ourselves with the 126 other countries who support the Humanitarian Pledge and we join with them in supporting Working Paper 36 on the Legal Gap, introduced by Austria, which calls for the urgent pursuit of an additional legal instrument or instruments and international efforts to prohibit and eliminate nuclear weapons, contributing to full implementation of Article VI of the NPT.

Mr Chairman,

We support your advice to focus on the elements contained in your Synthesis Paper and feel that it is important to bear in mind that what we are engaged in here is a new way forward which does not necessarily have to look like anything we have seen before. We are creating something new. This work is going to require an exercise of the imagination and is best not limited at the outset. The elements we identify will shape the product. Many of these elements were set out in the Final Report of the 2013 OEWG, which was agreed by consensus. So, we have already embarked on the journey. The important thing now is to move forward with urgency in our discussions. In this regard, the issues raised by Professor Casey-Maslen will be of great assistance to us as we take forward our urgent consideration of the elements necessary to elaborate an additional legal instrument or instruments for the prohibition and elimination of nuclear weapons. Two new elements referenced by delegates yesterday and on which we

would welcome further discussion were a prohibition on financing and provisions for victims.

Mr Chair

We have heard, in our deliberations in February and last week, as well as at the three Humanitarian Conferences, about the compelling need for action on this issue. I don't need to rehearse those arguments here. What we have also heard is a counter-argument, relating to the wider security situation and national security interests. I want to reiterate the long-held view of Ireland that the very existence and devastating potential of nuclear weapons, as demonstrated by their first use, changed fundamentally and forever the very concept of security. Knowing what we know now about the catastrophic and trans-boundary nature of any nuclear detonation, it seems clear to us that the only kind of security which can guarantee the safety and survival of any of our countries is global security. The pursuit of national security is therefore only possible in the context of collective interest and collective responsibility. In our view, it is through the UN, representative of the global community as a whole, that this collective interest and collective security must be pursued and our collective responsibilities discharged. We are all citizens of this increasingly fragile and threatened world and in this global village there are no hierarchies of security.

Nuclear weapons remain the only weapons of mass destruction not prohibited by law. Effective measures are envisaged and required by the NPT. Article VI provides for additional work to be done when it quite clearly calls for effective measures and negotiations on nuclear disarmament. If Article VI was being implemented as envisaged then we wouldn't all need to be here in this OEWG

talking about how best to operationalise it. To those who express concerns about threats posed to the NPT, either by this OEWG or by any of its potential recommendations, I would suggest the following advice - the best way to protect the NPT is to implement it.

The failure of the NPT Rev Con in May last year to agree an Outcome Document sent very worrying reverberations. Thankfully, the level of concern generated led to overwhelming support for the establishment of this OEWG. There has been a widespread welcome for the positive momentum generated by this process and the depth of our engagement here. But the NPT is not impervious to danger. The longer those on one side of the bargain fail to fulfil their legal obligations and commitments, the more they put at risk the other side of that bargain. Disarmament and non-proliferation are mutually reinforcing. Conversely, possession is the single biggest advertisement for proliferation.

Nuclear weapons have been accorded a potency more symbolic than military, which has allowed them to claim and hold the centre stage. The dangerous link between great power and nuclear power needs to be broken definitively and that troubling equivalence needs to be sundered. It is a toxic, ironic and deeply regrettable position to find that, in many minds, permanent membership of the UN Security Council, the very body that exists to oversee all our safety, equates with the continued possession of the one type of weapon with the guaranteed potential to obliterate us all. For as long as nuclear weapons remain the only non-prohibited weapon of mass destruction, we are failing every day to remember the lessons of history. And, as we know, those who fail to remember the lessons of history are condemned to repeat them.

In this context, even the use of the word deterrence is a form of disguise; what we are talking about here are weapons of mass destruction. We do not need to search for proof that nuclear deterrence may have worked in the past, though historians are divided on this point; the real question is, how much can we rely on it working into the future and against today's non-state actors. To work, nuclear deterrence has to be 100% successful all of the time. If it fails at all, it fails completely and with devastating effect. The only real proof we need when it comes to nuclear weapons is their capacity to wreak devastating consequences and we have that proof, embodied last week in the courageous and moving testimonies of both Setsuko Thurlow and Masako Wada.

Mr Chairman,

When we contemplate what President Kennedy called the Sword of Damocles which the continued existence of nuclear weapons holds over all our heads, there is little positive to reflect on but there is one gleam of hope. Many things threaten this planet, much of which are described as acts of God or nature, completely unpredictable and outside of our mere human control. But nuclear weapons, which together with Climate Change, pose the greatest existential threat of all, were created by humans and so we as humans have the same capacity to eliminate them. We have come many times to this point before. The history of nuclear disarmament seems to consist of cycles of mounting concern followed by disappointing periods of neglect and inaction. It is time to break the cycle. We all have a responsibility to act. It is in all our interests to see a strong and unified voice for progress emerge from this Open Ended Working Group.

We noted the reference to this OEWG in the G7 Statement at Hiroshima, including the G7 hopes that this OEWG would engage in a balanced, constructive

dialogue on diverse approaches. It is all the more regrettable, then, that all members of the G7 are not here to participate in such a balanced dialogue. Regrettably, the Nuclear Weapon States have chosen to continue to ignore this UN-mandated process. Despite your consistent and dedicated efforts as Chair for an inclusive approach, they have chosen not to attend, not to speak or even to listen in this forum. I do want to warmly welcome the fact that, of the 12 states who voted against the Resolution establishing this OEWG, a number have taken the very positive step of engaging here. Those of us who have stepped up have one more responsibility to fulfil, to send a resounding message, a new agenda for progress, which cannot be ignored.

It is not acceptable that 46 years after the NPT's entry into force, 21 years after it was indefinitely extended and in the face of the opinion of the ICJ, the parties to the Treaty have not yet elaborated the effective measures which it requires and to which they have made repeated unequivocal commitments. It is time for some courageous leadership and genuine vision to be demonstrated on this issue. The people in this room are on the right side of history. This is not always going to be a comfortable conversation but it is one we are obligated to have. As we know from all negotiations, a level of discomfort will have to arise in order for change to occur. We, as non-nuclear weapons states, strongly supported by our partners in civil society, are prepared for the hard work ahead and we expect, and indeed demand, no less of the Nuclear Weapon States. This is not a voluntary endeavour but an obligation on us all. We all know that this obligation is not just to an endless process towards nuclear disarmament; it is to bring nuclear disarmament to a conclusion. The status quo is unacceptable. There should be no comfort zone for nuclear weapons.

Thank you