



**Open-ended Working Group taking forward
multilateral nuclear disarmament negotiations¹****Geneva 2016**

Item 5 of the agenda

Taking forward multilateral nuclear disarmament negotiations**Addressing nuclear disarmament: Recommendations from
the perspective of nuclear-weapon-free zones****Submitted by Argentina, Brazil, Costa Rica, Ecuador, Guatemala,
Indonesia, Malaysia, Mexico, Philippines and Zambia****I. Introduction**

1. The overall aim of this working paper is to explore ways in which the experience of nuclear-weapon-free zones (NWFZs) could contribute to the outcome of the Open-Ended Working Group “taking forward multilateral nuclear disarmament negotiations”.
2. As States belonging to NWFZs, we have established, in our respective regions, a comprehensive range of prohibitions and obligations regarding the use, possession, stockpiling, transfer, production and development of nuclear weapons. We are therefore in a position to take advantage of our legitimacy as members of NWFZs in order to reclaim, with the strongest and loudest voice, a world free of nuclear weapons.
3. Taking into account the experience of the establishment of NWFZs, this working paper will suggest a number of recommendations to be included in the final report of the Open Ended Working Group with a view to enable the launching of multilateral negotiations of a legally binding instrument for a global prohibition on nuclear weapons.

II. Nuclear-weapon-free zones and international peace and security

4. It is a matter of great concern to States belonging to NWFZs that the existence of nuclear weapons continues to present an imminent danger of destruction to the planet and a risk to international peace and security. We believe it is in the interest of the very survival of humanity that nuclear weapons are never used again under any circumstances. Although

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nuclear-armed states (NAS) bear the ultimate responsibility to completely eliminate their nuclear arsenals, it is a shared responsibility of all States to prevent the humanitarian impact and effects related to these weapons of mass destruction.

5. In our view, the establishment of NWFZs is an invaluable interim measure to promote peace and stability at the regional and international level. In general terms, NWFZs prohibit the possession, acquisition, development, testing, production, stockpiling, transfer, use or threat of use of nuclear weapons inside the designated territory.

6. Currently, there are five NWFZs covering continental or subcontinental groups of countries (including their territorial waters and airspace), which were established by the Treaties of Tlatelolco (Latin American and the Caribbean countries; April 25, 1969), Rarotonga (South Pacific; December 11, 1986), Bangkok (Southeast Asia; March 28, 1997), Semipalatinsk (Central Asia; March 21, 2009), Pelindaba (Africa; July 15, 2009). There is one UN-recognized zone consisting of a single country, Mongolia (February 28, 2000). Additionally, three Treaties established NWFZs in Antarctica (June 23, 1961), the Outer Space (October 10, 1967) and the Seabed (May 18, 1972).

7. The establishment of NWFZs is recognized by Article VII of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the United Nations General Assembly outlined the criteria for NWFZs in 1975:

“A nuclear-weapon-free zone shall, as a general rule, be deemed to be any zone, recognized as such by the United Nations General Assembly, which any groups of states, in the free exercise of their sovereignty, have established by virtue of a treaty or convention whereby:

- a. The statute of a total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone is defined;
- b. An international system of verification and control is established to guarantee compliance with obligations derived from that statute.”

8. Therefore, NWFZs are an instrument that grants strong assurances that effectively complement the NPT regime by preserving most of the Earth's surface from nuclear weapons presence. The successful experience of the NWFZs invites a reflection on their example as a source of inspiration for the establishment of a global prohibition of nuclear weapons, which could impact, in a positive way, the prospects for peace and stability in other regions of the world, such as the Middle East, the Korean Peninsula and South Asia.

III. The potential of nuclear-weapon-free zones in galvanizing international efforts towards the prohibition and elimination of nuclear weapons

9. It is important to bear in mind that NWFZs are an interim measure towards the ultimate goal of the achievement and maintenance of a world free of nuclear weapons. Currently, 115 States belong to NWFZ: 33 to Tlatelolco, 13 to Rarotonga, ten to Bangkok, 53 to Pelindaba, five to Semipalatinsk, and Mongolia. Therefore, States belonging to NWFZs represent an invaluable basis for advancing international efforts towards a world without nuclear weapons.

10. We strongly believe that the political viability of immediate progress in nuclear disarmament lies in our capacity, as non-nuclear-weapon States (NNWS), to lead the way. NWFZs, in particular, as collective political entities, should have an outward attitude and should not merely be considered as areas of retreat from nuclear weapons politics. Our legitimacy as members of NWFZs to advance nuclear disarmament cannot be contested. As

major contributors to nuclear non-proliferation, our countries have in fact a historical responsibility to set the tone for the future of nuclear disarmament.

11. From our perspective, a world without nuclear weapons is essential for the accomplishment of the priority objectives of humanity, those being peace, security and development. States belonging to NWFZs hold an unsurpassed record in the field of nuclear non-proliferation and a firm position on nuclear disarmament. We have renounced the possession of nuclear weapons by a legally binding international instrument. Therefore, we hope to begin negotiations on a global prohibition on nuclear weapons, as a contribution to the achievement and maintenance of a world free of nuclear weapons. Moreover, NWFZs must continue to promote nuclear disarmament, taking into account that, if there is a nuclear weapon detonation, whether intentional or accidental, no treaty will protect anyone, not even Parties to NWFZ from the humanitarian consequences of this event.

IV. Elements for a legally-binding instrument prohibiting nuclear weapons

12. We are convinced that the most viable option for immediate action is to negotiate a legally-binding instrument prohibiting nuclear weapons, establishing general interdictions and obligations and pronouncing an unambiguous political commitment to the achievement and maintenance of a world free of nuclear weapons.

13. A legally-binding instrument prohibiting nuclear weapons would be a contribution in itself to nuclear disarmament. But, in order to reach our ultimate goal of achieving and maintaining a world free of nuclear weapons, other legally-binding instruments, set of instruments or protocols to the legally-binding instrument prohibiting nuclear weapons shall be negotiated.

14. The legally-binding instrument prohibiting nuclear weapons does not need to include measures leading up to the elimination of nuclear weapons. Measures to negotiate the destruction of nuclear weapons in an irreversible, verifiable and transparent manner would be the subject of future negotiations.

15. With regard to the substance of such an agreement, some of the elements that negotiators of a legally-binding instrument prohibiting nuclear weapons could consider including in such an instrument are:

- (a) Prohibition of possession of nuclear weapons or other nuclear explosive devices;
- (b) Prohibition of use and threat of use of nuclear weapons or other nuclear explosive devices;
- (c) Prohibition of acquisition of nuclear weapons or other nuclear explosive devices;
- (d) Prohibition of stockpiling of nuclear weapons or other nuclear explosive devices;
- (e) Prohibition of development of nuclear weapons or other nuclear explosive devices;
- (f) Prohibition of testing of nuclear weapons or other nuclear explosive devices;
- (g) Prohibition of production of nuclear weapons or other nuclear explosive devices;
- (h) Prohibition of transfer of nuclear weapons or other nuclear explosive devices;
- (i) Prohibition of transit of nuclear weapons or other nuclear explosive devices;

- (j) Prohibition of stationing of nuclear weapons or other nuclear explosive devices;
- (k) Prohibition of deployment of nuclear weapons or other nuclear explosive devices;
- (l) Prohibition on assisting, encouraging or inducing, directly or indirectly, the engagement in any activity prohibited by the legally-binding instrument.

16. In sum, a legally-binding instrument prohibiting nuclear weapons would have a political as well as legal impact on the disarmament debate and it would provide much needed direction for further initiatives aiming at the elimination of nuclear weapons and the maintenance of a nuclear weapons free world. Such an instrument would not need universal adherence to be negotiated nor to enter into force.

V. Conclusions and recommendations

17. In light of the above, we propose that the Open-Ended Working Group, in its report, includes the following recommendations to the General Assembly:

- (a) Convene a Conference in 2017, open to all States, international organizations and civil society, to negotiate a legally-binding instrument to prohibit nuclear weapons
- (b) To report to the United Nations high-level international conference on nuclear disarmament to be convened no later than 2018, pursuant to resolution 68/32, on the progress made on the negotiation of such an instrument.
