The United Nations General Assembly voted in December 2015 to establish a special working group with a mandate to develop “legal measures, legal provisions and norms” for achieving a nuclear-weapon-free world. The OEWG is intended to build on the findings and conclusions of the three “humanitarian impact” conferences in 2013 and 2014 as well as the historic “Humanitarian Pledge” which currently has the support of over 120 States. The first session of the Open-Ended Working Group (OEWG) took place from 22 to 26 February.

After the February session, the Chair of the OEWG, Ambassador Thani Thongphakdi of Thailand, released his “Synthesis Paper” which compiled the variety of views expressed at the February session and in Working Papers submitted to the OEWG secretariat. This paper reflects that States are ready to address what kind of a legal instrument is needed to bring forward nuclear disarmament and that there is substantial support for a treaty banning nuclear weapons.

The upcoming May session will cover two weeks and is expected to go deeper into the elements and “legal measures” needed to achieve progress in nuclear disarmament. Many governments and civil society organisations expect that the OEWG discussions are setting the stage for negotiations on a new legally binding instrument which prohibits nuclear weapons.

ICAN will participate in all sessions of the UN working group, and will coordinate advocacy and lobbying to ensure that governments start negotiations of a treaty banning nuclear weapons. All ICAN partners are encouraged to do outreach and lobby your government in the run up to and throughout the UN working group.

Advocacy Messages

**FILLING THE LEGAL GAP**

- Nuclear weapons are the only weapons of mass destruction not yet prohibited under international law in a comprehensive and universal manner. Like-minded States should work together to correct this unacceptable legal anomaly.

- In the UN General Assembly, the vast majority of States have acknowledged that a legal gap exists in the current regime governing nuclear weapons, and have pledged to cooperate in efforts to fill this legal gap.

- Filling the legal gap requires the negotiation of a legally binding instrument prohibiting nuclear weapons. A partial prohibition, such as one on use only, would be inadequate, as would the pursuit of purely non-legal measures.
EFFECTIVE LEGAL MEASURES

- Under Article VI of the Non-Proliferation Treaty (NPT), all States (not just those defined as nuclear-weapon States) are legally obliged to pursue negotiations in good faith on “effective measures” for nuclear disarmament.

- A treaty prohibiting nuclear weapons would constitute an effective measure towards nuclear disarmament. Far from undermining the NPT, it would strengthen the treaty by contributing to its implementation.

PROHIBITION, THEN ELIMINATION

- The prohibition of weapons typically precedes and accelerates their elimination – for example, the prohibition of biological and chemical weapons has been an essential step in ongoing efforts towards their elimination.

- Weapons that have been prohibited increasingly become seen as illegitimate. They lose their political status and, along with it, the money and resources for their production, modernization, proliferation and perpetuation.

TYPE OF LEGAL INSTRUMENT

- A nuclear weapon ban treaty could be negotiated now, even without the participation of nuclear-armed States, and would constitute an important initial step towards the elimination of nuclear weapons.

- The treaty need not include complex provisions relating to the destruction of nuclear stockpiles and to verification. Such provisions could be negotiated subsequently, perhaps in the form of protocols, once nuclear-armed States were willing to engage.

SCOPE OF PROHIBITIONS

- The treaty should prohibit the development, production, testing, acquisition, stockpiling, transfer, deployment, threat of use and use of nuclear weapons, as well as assistance, financing, encouragement and inducement of these acts.

EFFECT OF THE TREATY

- A nuclear weapon ban treaty would strengthen the global norm against the use and possession of nuclear weapons. It would clarify that, in the view of the international community, nuclear weapons are inherently unacceptable.

- The treaty would be a tool with which parliamentarians, the media, non-governmental organizations and the general public could exert pressure on their governments to end reliance on nuclear weapons in military doctrines.

- More than any other proposal on the table, a nuclear weapon ban treaty has the potential to break through the current logjam, fundamentally alter the political dynamics, and open up new opportunities for progress towards disarmament.

- Reach out to your government’s mission in Geneva: Will they attend the OEWG? Have they prepared a Working Paper? Will they reiterate their support for the Humanitarian Pledge (if applicable) and call for the immediate start of negotiations on a new legally binding instrument?

- Contact your ministry for foreign affairs: Update them on the importance of the OEWG and what the main points. Give them feedback on their national position. Will they express support for negotiations on a ban treaty?

- Involve national parliamentarians – encourage them to push their governments to prioritise the OEWG and to clarify what the national position is on the prohibition of nuclear weapons and the start of negotiations.
How to do advocacy

• Find out about the government’s policy position on nuclear weapons and a ban before you meet.

• Think about what you want to find out from your government representative at your meeting, and prepare what you want to say and ask. You can use the advocacy messages in this guide as a basis for discussion.

• Ask other civil society representatives from your country/region, or experts that you would benefit from having at your meeting, to join you.

• Invite the delegates that are participating in the conference from your country for a meeting over a coffee to discuss the conference.

• Bring materials that you want to give to your government delegate.

• At your meeting, find out which individuals and government departments are in charge of this issue and responsible for formulating government policy.

• Remember to follow up afterwards on any action points and to stay in touch.

• Send a report on your meeting to Daniel (daniel@icanw.org) or Tim (tim@icanw.org)

RESOURCES

You will find the following resources on the ICAN website. www.icanw.org/oewg2015

• Agenda

• Suggestions for parliamentary outreach

• Frequently asked questions about a ban

• Common misconceptions about a ban

• ICAN Briefing Paper for May Session (for Campaigners)

• ICAN Talking Points for May Session (for Governments)

• Summary of the first session of the OEWG

• Podcast about the first session of the OEWG

Contact Information

Beatrice Fihn
Executive Director
Email: beatrice@icanw.org
Phone: + 41 (0) 22 788 20 63

Operations and Administration

Alexandra Reidon
Administration and Finance Manager
Email: alexandra@icanw.org

Communications and Media

Daniela Varano
Communications Manager
Email: daniela@icanw.org
Press enquiries: + 41 787 262 645

Advocacy

Daniel Högsta
Network Coordinator
Email: daniel@icanw.org

Tim Wright
Regional Director, Asia & Pacific
Email: tim@icanw.org

Authors: Daniel Högsta, ICAN
Tim Wright, ICAN
Layout and art direction: Daniela Varano
BAN NUCLEAR WEAPONS NOW