Thank you Mr. Chair.

As is well known, the compelling evidence of the incalculable human costs of any use of nuclear weapons, and the lack of any adequate humanitarian response capacity, led the International Red Cross and Red Crescent Movement in 2011 to conclude that it is difficult to envisage any use of NW that could be compatible with international humanitarian law (IHL). Crucially, this evidence also led the RedCross/RedCrescent Movement to appeal to States to ensure that nuclear weapons are never again used, and to “pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement, based on existing commitments and international obligations.”

The President of the International Committee of the Red Cross, Peter Maurer, has repeated this call, and in particular, has appealed to States to fulfil the commitments contained in Article VI of the Non-Proliferation Treaty by establishing a time-bound framework for negotiating a legally binding agreement to prohibit the use of and completely eliminate nuclear weapons, and to consider the form that such an agreement could take.

This call was echoed by the International Federation of Red Cross and Red Crescent Societies in its statement on the opening day of this OEWG (2 May).

Mr. Chair,

The ICRC has taken note of the working papers tabled, and the statements made, during this Panel. We note with interest recommendations for concrete and effective legal provisions to be included in a legally binding instrument to prohibit and eliminate nuclear weapons. We also note with particular interest the proposals made by some States, supported by many others, for timelines to begin multilateral nuclear disarmament negotiations.

At the February session of this OEWG, the ICRC outlined the different forms that IHL treaties prohibiting weapons have taken, ranging from prohibitions on use to more comprehensive prohibitions, and the lessons that can be drawn from the experiences of IHL treaties. (We refer delegations to our February statement, available on the unog website.)

Whatever the form, approach or process that States choose to take to achieve a treaty prohibiting and eliminating nuclear weapons, the ICRC’s wish is that such approach or process should deliver results that are consistent with the Red Cross / Red Crescent Movement’s call to prohibit the use of and completely eliminate these weapons.
Mr. Chair,

We have noted that States that have contributed to this OEWG do not agree whether or not there is a "legal gap" with respect to nuclear weapons. For the ICRC, there is such a "legal gap", insofar as international law does not specifically prohibit nuclear weapons. This being said, saying that there is a "legal gap" does not mean that there is a "legal vacuum". Any use of nuclear weapons is framed by existing law, notably International Humanitarian Law (also known as the law of armed conflict), which aims to protect: civilians from weapons that have indiscriminate effects; combatants from weapons that cause unnecessary suffering; and the natural environment from widespread, long-term and severe damage.

The new evidence and information that has emerged in recent years about the impact of nuclear weapons on civilians, combatants and the environment, cast further doubt on whether nuclear weapons could ever be used in accordance with IHL. This conclusion should further drive States to negotiate and conclude with urgency and determination a treaty to prohibit the use of and completely eliminate nuclear weapons.

Mr. Chair,

At any rate, we are pleased to note the broad agreement – reflected in your Synthesis Paper and again in the discussions during this panel -- that Art. VI of the NPT imposes an obligation to pursue negotiations in good faith on effective measures for nuclear disarmament, and that furthermore this is an obligation of result. That Art.VI of the NPT contains an obligation of result was confirmed unanimously by the ICJ in its 1996 Advisory Opinion on the use or threat of use of nuclear weapons. Yet, 46 years after the NPT's entry into force, the result is nowhere to be seen, and the obligation remains unfulfilled, despite repeated commitments to do so by NPT Review Conferences through 2010.

As our President has stated, **protecting humanity from the catastrophic humanitarian consequences of NW requires courage, sustained commitment and concerted action.** Today’s complex security environment highlights both the challenges and necessity of such action. Nuclear weapons are often presented as promoting security, particularly during times of international instability. **But weapons that risk catastrophic and irreversible humanitarian consequences cannot seriously be viewed as protecting civilians or humanity as a whole.**

As we have heard again in the last two days and last week, a large majority of States recognize that the humanitarian impact of any use of nuclear weapons can no longer be ignored and must underpin all nuclear disarmament efforts, which remains a humanitarian imperative.

We urge States to seize the opportunity presented by this OEWG and by the forthcoming 71st session of the UN General Assembly, and take decisive action towards the effective fulfilment of their existing commitments and obligations to achieve a world free of nuclear weapons. Effective action should include committing to time-bound progress towards the prohibition of the use of nuclear weapons and towards their eventual and complete elimination.

Thank you.