

Opening statement presented by Ambassador Michael Biontino, Permanent Representative of Germany on behalf of those states supporting the Progressive Approach paper

Mr Chairman

1. I speak on behalf of the states that supported the Progressive Approach Paper.
2. We are now at a critical juncture in the OEWG process. We would like to thank you, Mr Chairman, for your efforts to date. We look to you for wise and deft leadership to bring the disparate views of delegations on nuclear disarmament together as we strive to achieve “agreed recommendations”. This is no easy task.
3. While we continue to study the draft outcomes document you presented to us on 28 July, we are concerned by a number of apparent imbalances in its narrative and recommendations that will need to be addressed if the report is to reflect accurately the discussion and conclusions of the OEWG.
4. We should recommit to our common purpose to attain global zero and to ensure this OEWG process advances nuclear disarmament and enhances global peace and security, not the reverse. We reaffirm our position that the endeavours of the OEWG will need to be made within the framework of the NPT as the cornerstone of the nuclear disarmament and non-proliferation regime.
5. A particular concern for us is paragraph 59 which cannot be accepted by our delegations as a recommendation. Indeed, we believe the negotiation now of a Prohibition Treaty runs counter to the aim of paragraph 58 by actually undermining the international non-proliferation, disarmament and security architecture based on the NPT, and even risks its rupture. In the OEWG meetings we contended that a possible ban treaty to prohibit nuclear weapons would not be effective. Any next step in nuclear disarmament needed to balance national security concerns, take heed of the international situation, and have buy-in from those states that actually possess nuclear weapons. As the proposal to proceed to a ban treaty negotiation ignored all of these conditions, we do not believe such a negotiation or treaty is justified. In our view, a Prohibition Treaty negotiation would only risk deepening the divide between NWS and NNWS.
6. Some paragraphs in Sections IV and V also suggest that all states agreed to certain elements, when this was not the case. Consequently, we would suggest replacing ‘recommendations’ in the title of Section IV with ‘issues for further consideration’, as the issues in this chapter were not agreed to by all States. This would clarify that only Section V contained the ‘agreed recommendations’ as requested in resolution 70/33.
7. Likewise, in paragraph 38, the reference to the “list of possible elements [that] appears in Annex 1” is especially problematic. Annex 1 clearly does not reflect the views of all participating states and gives undue emphasis to a list of possibilities

where there is no agreement. Other examples include, but are not limited to, paragraphs 20, 28, 45 and 60.

8. The draft report also contains a number of errors and omissions which should be corrected. An example is para 20 which describes 'the international legal regime for the prohibition and elimination of nuclear weapons'. Such a regime does not exist. Likewise, paras 23, 25, 27 and 50, as written, are misleading.
9. A related issue is that the criteria used to quantify the level of support for various positions is unclear. What distinguishes between 'several states', 'a number of states', 'many states' and 'a majority'? The criteria being used to quantify the level of support for positions is unclear and thus appears inconsistent.
10. In some paragraphs, arguments by States are countered in the same paragraph by the position of other States. An example is paragraph 25. However, this is not consistently done throughout the whole text. So either all paragraphs should contain both arguments and counter-arguments or the counter-arguments should be put in separate paragraphs.
11. We believe there is greater scope in the draft outcomes document to highlight areas of genuine convergence. The Progressive Approach paper, for example, laid out a number of effective practical and legal measures. We have a road map, outlined in our Progressive Approach paper, which builds on the 2010 NPT action plan and the 13 practical steps to disarmament agreed at the 2000 NPT review conference. This must be our ongoing priority.
12. We believe there is broad agreement that these initiatives, including the early entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty and the commencement of negotiations on a Fissile Material Cut-Off Treaty, would make important contributions to nuclear disarmament. The inclusion of these measures and others under the section on Conclusions and Agreed Recommendations would help the group fulfil its mandate with a report to the General Assembly that takes forward discussions on nuclear disarmament.

Mr Chairman,

13. We look to you to introduce the necessary elements in the report to ensure a balanced outcome. Over the next days we will engage actively in discussions and provide you with more detailed comments and suggestions for the text.

I thank you, Mr Chairman