

**Statement by Jamaica at the Second Session of the OEWG on Taking Forward Multilateral
Nuclear Disarmament Negotiations**

Geneva, 9th May 2016

PANEL IV

Mr. Chairman,

As this is the first time that my delegation is participating in the deliberations of this important OEWG since it commenced its work in February, let me begin by warmly congratulating you on your assumption as its Chairman. We are particularly pleased with the inclusive and open manner in which you have been guiding the work of the OEWG, in keeping with the spirit and mandate of Resolution 70/33. I assure you of our continued full cooperation and support.

Inclusiveness and transparency are indeed the hallmark of this Working Group. Let me, therefore, take this opportunity to convey my delegation's sincere appreciation for the arrangements you made for a sponsorship programme to facilitate the participation of delegations that do not have Permanent Missions in Geneva, or whose Missions are in need of support. Thanks to this sponsorship programme Jamaica, a Small Island Developing State, is today able to participate in this second session of the Working Group and to add our voice to these crucial deliberations.

In the same vein, we commend you for the informal briefings you undertook in New York on 25-26 April to share your synthesis paper ahead of this second session. This is a tangible demonstration of your commitment to an inclusive and open process. Indeed, we are particularly pleased that during your visit you deemed it important and took the time to hold a targeted briefing for Small Island Developing States. This underscored the importance of the contribution of each Member State to our collective effort of taking forward multilateral nuclear disarmament negotiations, be they large or small, developed or developing, nuclear armed or non-nuclear weapon states.

Mr. Chairman,

Before sharing our views under this topic of our agenda, I crave your indulgence in making some general remarks. Jamaica's commitment to and support for a world free of nuclear weapons has been long-standing and consistent. We have a keen interest in advancing the goal of general and complete disarmament, in pursuit of international peace, security and development. This interest and desire are firmly rooted in our participation in the Treaty of Tlateloloco and the strong political and moral leadership of the Community of Latin American and the Caribbean.

Today, we count ourselves among the growing group of non-nuclear- weapon states who are no longer content to accept the status quo in the nuclear disarmament pillar; whereby we continue, in a ritualistic manner, to voice concern and frustration year after year, in fora after fora about the lack of progress in the disarmament pillar, or at the chronic stalemate at the political and diplomatic levels that impede us in taking forward multilateral nuclear disarmament negotiations. For far too long we have been complicit in maintaining this unacceptable status quo.

A renewed focus on and deeper understanding of the humanitarian consequences of nuclear weapons and their associated risks have provided a clear pathway for action and given agency to non-nuclear-weapon states to live up to our responsibility and take forward multilateral negotiations on nuclear disarmament. For us, what is at stake is very survival of humanity.

Mr. Chairman,

Jamaica has been steadfast in its commitment to join other non-nuclear-weapon states and civil society actors in taking forward multilateral nuclear disarmament negotiations, as a matter of urgency. This commitment has been demonstrated by our co-sponsorship of the Resolution (70/33) establishing this working group; our participation in the three international conferences on the humanitarian consequences of nuclear weapons; our hosting of a regional roundtable for CARICOM states on the humanitarian consequences of nuclear weapons; as well as our

endorsement of the Humanitarian Pledge to fill the unacceptable 'legal gap' in the nuclear non-proliferation and disarmament regime regarding the prohibition and elimination of nuclear weapons. In this latter regard, we have consistently supported resolutions and statements on the Humanitarian Pledge, which we believe sets the stage for progress to be made in the eventual abolition of nuclear weapons.

From this standpoint, the clear imperative and urgency of undertaking the collective obligations in Article VI of the NPT in pursuing negotiations in good faith on effective measures for the attainment and maintenance of a world free of nuclear weapons should no longer be held hostage to circuitous debate and delay tactics that are but a thinly veiled guise for the indefinite possession of nuclear weapons. The mandate and rules of procedure of this Working Group under your able chairmanship allows us to avoid such expedient pitfalls to progress.

The final comment I wish to make within the context of our general remarks is on your Synthesis Paper. We join others in thanking you for this paper which we find to be reflective of the broad range of views conveyed at the first session of the OEWG, as well as in the various Working Papers submitted. As the title of your Paper suggests, you have sought to connect and synthesise the various proposals - to find common ground - where possible and to incorporate them under sections corresponding to the mandate of Resolution 70/33. We applaud your efforts in undertaking this challenging exercise.

While we note that there are more complementarities between the various positions than is often assumed to be the case, we agree with the delegation of New Zealand that "a number of the views and proposals reflected in your Paper are inherently irreconcilable", which we believe is worth bearing in mind as we move forward in this second session.

Mr. Chairman,

I now turn to our discussions in today's Panel on essential elements that would compromise effective legal measures and legal provisions and norms that will need to be concluded to attain

and maintain a world without nuclear weapons. First, let me thank Dr. Stuart Casey-Maslen for an insightful presentation, which is an excellent contribution to our discussion of this topic. We see merit in Dr. Casey-Maslen's recommendation for a clear definition of the concepts and elements identified. We also find that useful contributions to today's discussions are reflected in Annex I of your Synthesis Paper on "Possible Essential Elements Identified", Chapter Four of the excellent joint paper by ILPI and UNIDIR, as well as relevant working papers submitted, including by a number of Pacific SIDS and Mexico, as well as Working Paper 34. Submitted by a group of states and introduced this morning by Malaysia. We join in endorsing the recommendations contained in this Working Paper.

We situate our views on this subject in paragraph 25 of your Synthesis Paper and paragraph 4 of your Working Paper for this Panel, where you note that the various possible elements and provisions could be pursued under each of the four approaches while many could be pursued across more than one. We also note your point that the feasibility of other elements and provisions are closely linked to only a single approach.

In responding to your question about what elements should be included in an instrument or set of instruments on nuclear disarmament, our point of departure is that a key element for the elimination of weapons of mass destruction has been their prohibition. In this connection and in keeping with the Working Paper submitted by CELAC, we advocate a global prohibition on nuclear weapons.

What therefore are the essential elements of such a global prohibition? In our view, the determination of the essential elements is linked to the goals and scope of this global prohibition. In relation to the goals, we see a global prohibition as closing the legal gap and addressing the ambiguity in nuclear governance, as well as strengthening the rule of law in this area, including by building on the prohibitions in existing instruments such as the NPT, nuclear-weapon-free-zones and the CTBT. The global prohibition would also establish a universal norm

against the possession and use of nuclear weapons, thereby stigmatizing such weapons and discouraging horizontal and vertical proliferation.

A legally-binding instrument on prohibition of nuclear weapons would also serve as a catalyst for the elimination of such weapons. Indeed, it would encourage nuclear weapon states and nuclear umbrella states to stop relying on these types of weapons of mass destruction for their perceived security. Another notable impact of a global prohibition is that it would encourage financial institutions to divest their holdings in nuclear weapons companies.

Turning to scope, precedence has shown us that weapons treaties are characterized principally by two types of normative scope: i) the restrictions and prohibitions on the use of a weapon (which is the focus of the Law of Armed Conflict/International Humanitarian Law) and ii) the prohibitions on, inter alia, receiving, developing, manufacturing, stockpiling, transferring, acquiring or retaining a weapon or its components material or delivery system (which is the focus of Multilateral Arms Control and Disarmament Law). We note that both normative scopes can be combined thereby establishing a comprehensive ban, as in the case of the Chemical Weapons Convention.

A further point on the question of scope in relation to a global prohibition is that in light of the goal/aim of a ban treaty, it would also entail provisions prohibiting States Parties from allowing the hosting of nuclear weapons (such as by means of the stationing, storing, stockpiling or otherwise emplacement of foreign nuclear weapons) within their territory or jurisdiction.

In sum, Jamaica is advocating a broad scope for a legally-binding instrument on a global prohibition on nuclear weapons. In this connection, the elements of such a comprehensive ban could be drawn from the nuclear weapon- free- zone treaties and the Biological and Chemical Weapons Convention. In this regard, we note the very useful working paper submitted by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANL).

Jamaica is therefore of the view that the following elements should be considered in the negotiation of a legally-binding instrument prohibiting nuclear weapons:

- Prohibition on use of nuclear weapons
- Prohibition on the possession of nuclear weapons
- Prohibition on acquisition of nuclear weapons
- Prohibition on stockpiling of nuclear weapons
- Prohibition on development and testing of nuclear weapons
- Prohibition on transfer of nuclear weapons
- Prohibition on stationing and deployment of nuclear weapons
- Prohibition on assistance to in the commission of prohibited acts, and
- Prohibition on encouragement or inducement to engage in prohibited acts, including financing.

Other elements to be included in a legally-binding instrument prohibiting nuclear weapons relates to obligations. These include stockpile destruction, safeguards, transparency and reporting.

Finally, in putting forwarding the elements that, we believe, should form part of a legally-binding instrument prohibiting nuclear weapons, we support the recommendation contained in Mexico's Working Paper that a prohibition on nuclear weapons is not an end in itself and therefore additional or complementary elements might be required once such prohibition is in place.

I thank you Mr. Chairman.