



Statement

by

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Open Ended Working Group on Nuclear Disarmament

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Mr Chair,

Let me address the issue of legally binding instruments in the context of nuclear disarmament, in particular the question of a comprehensive nuclear convention, a ban convention or a framework convention.

Realistically a nuclear-weapon free world will be the result of a process, based on already achieved results in terms of reductions of nuclear weapons, but will require further substantive steps in terms of nuclear disarmament, nuclear non-proliferation and security as well as the solution of certain key regional conflicts. From our perspective a comprehensive nuclear convention will most likely be required at the final stage of the process. Negotiating a prohibition in whatever form, however, at an early stage without taking into account security policy implications would amount to not paying attention to their role in present security and military doctrines.

Turning to the idea of a ban as a stand-alone instrument: It is argued that this would generate energy for the process of multilateral disarmament. Furthermore it is presented as the logical step to “fill the gap”, since there is, to date, no convention in place which would ban nuclear weapons as illegal weapons, in analogy with the CWC and the BWTC. It is also true that there is no rule in international law which would prohibit the use of nuclear weapons as a weapon of last resort under certain circumstances.

From our point of view, such a ban- and this holds true as well for a comprehensive nuclear convention and a framework convention - would have added value, provided that at least most of the nuclear weapon states were on board. If it is joined only by non-nuclear weapon states, it is hard to see how it provides benefits beyond the prohibitions already enshrined in the NPT or in the various Nuclear-Weapon free Zones. The often used analogy with both chemical and

biological weapons is not a convincing comparison. In the case of the CWC and BWTC, states that had operated such weapon programmes joined early on after they agreed that these weapons had no military value. Also in the case of the Ottawa and Oslo Conventions, which are still, unfortunately, far from universality, at least a considerable number of possessor states took part in the negotiations and ratified. As things stand, this is not to be expected in the nuclear field.

It is also difficult to see how such a stand-alone instrument would help create a norm against the use of nuclear weapons which would go beyond the already existing “nuclear taboo”.

By comparison with the few, if any, likely benefits, there are quite considerable disadvantages to be expected if a stand-alone instrument is negotiated at this point in time. The NPT nuclear weapon states consider such a step to be detrimental. It could be argued that the pressure on them to implement Art. VI of the NPT might diminish if, in the future, many states would decide that the ban-treaty would be the new key instrument to make progress with regard to nuclear disarmament. The result might be an even more divided NPT community. The already fragile consensus underpinning the NPT could erode even further.

Furthermore, it is also hard to see how such a ban could allow for a robust verification regime. Additional verification measures going beyond already existing IAEA safeguards would seem unlikely to be supported by the IAEA.

To sum up: In the present political context, a short stand-alone instrument could probably be negotiated quickly. But it is difficult to see how it will help to pave the way for progress regarding “Global Zero”. Against the best intentions of its proponents, it might rather contribute to the fragmentation of the NPT community and thus weaken the existing disarmament and non-proliferation regime.

Thank you, Mr Chair.