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Open-ended Working Group taking forward multilateral nuclear disarmament negotiations¹

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Taking forward multilateral nuclear disarmament negotiations

Proposal by the Community of Latin American and Caribbean States (CELAC)² on effective legal measures to attain and maintain a world without nuclear weapons

**Submitted by the Dominican Republic in its capacity of President *pro
tempore* of CELAC**

I. Overview

1. The purpose of this working paper is to provide CELAC's views on a concrete effective legal measure to attain and maintain a world without nuclear weapons.
2. This document builds on a Position Paper (A/AC.286/WP.6/Rev.1) submitted to the first formal session of the Open Ended Working Group taking forward multilateral nuclear disarmament negotiations, which took place from 22 to 26 February 2016, and builds upon the special declarations on the commitment to advance the multilateral negotiations on nuclear disarmament, as adopted by the Heads of State and government of the Community.
3. The world continues to live under the constant threat of a nuclear war. The catastrophic humanitarian consequences of a nuclear weapons detonation would affect the planet as a whole, irrespective of the region in which takes place. Such risk continues to exist mainly because a few countries still regard nuclear weapons as legitimate guarantors of stability and security. Those countries fail to acknowledge that nuclear weapons provide a false sense of security. In fact, nuclear weapons constitute nowadays the most immediate threat to the survival of the human species and the very existence of our world. In

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² Member States of CELAC: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago and Uruguay.



CELAC's view, it is unacceptable that nuclear weapons remain the only weapons of mass destruction not yet comprehensively prohibited.

4. CELAC has long acknowledged the threat posed by nuclear weapons. In fact, the longstanding and practical commitment of our region towards a nuclear weapons free world predated for several decades the creation of our Community. CELAC member States are parties to the pioneering regional prohibition treaty that gave rise to the first zone free of nuclear weapons in a densely populated region, the Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco Treaty). The Tlatelolco Treaty has made an invaluable contribution to regional peace and security, nuclear disarmament and non-proliferation, cooperation and integration among Latin American and Caribbean States. CELAC has many reasons to rejoice at this pioneering Treaty, which freed an entire, densely populated region from the most despicable weapons of mass destruction.

5. By choosing to prohibit and prevent the "testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons" and the "receipt, storage, installation, deployment and any form of possession of any nuclear weapons", the States parties to the Tlatelolco Treaty reaffirmed their collective view that there are more rational alternatives in addressing security concerns than to rely on doctrines of so-called strategic stability and nuclear deterrence, which are based upon the constant threat of mutual annihilation.

6. Based on the firm conviction that the use or threat of use of nuclear weapons would be a violation of the Charter of the United Nations, a crime against humanity, and at the same time a violation of international law, including humanitarian law, CELAC member States have decided, at the level of Heads of States and government, to join the efforts by the international community to advance towards the negotiation of a universal legally binding instrument prohibiting the possession, development, production, acquisition, testing, stockpiling, transfer, use and threat of use of nuclear weapons.

7. Bearing in mind the need to establish its verified destruction, thus to contribute with general and complete disarmament and the strengthening of trust between nations.

II. Prohibition on nuclear weapons

8. The Community believes that a global prohibition on nuclear weapons can contribute to attain and maintain a world without nuclear weapons. For the majority of the international community, there is no reason why a universal prohibition of nuclear weapons should not be pursued immediately. We must not wait to witness once again the catastrophic consequence of a detonation of a nuclear weapon before we decide to start negotiations on a treaty prohibiting nuclear weapons.

9. The negotiation of such an instrument should be open to all States and its entry into force should not depend on the ratification by nuclear armed States.

10. CELAC is committed, at the highest political level, to open and transparent negotiations for the prohibition of nuclear weapons through a legally binding instrument. A treaty prohibiting nuclear weapons would provide the basic prohibitions and obligations for all States parties to it and set the political objectives of the international community with regard to the complete elimination of nuclear weapons.

11. The Community is fully aware that the prohibition is not a substitution to the total elimination of nuclear weapons. CELAC countries believe that the prohibition of nuclear weapons will set a norm which should be followed by other efforts and negotiations towards the achievement and maintenance of a world without nuclear weapons. Furthermore, it would have a political as well as a legal impact on nuclear disarmament.

12. CELAC reaffirms the need to advance towards the primary objective of nuclear disarmament and to achieve and sustain a world free of nuclear weapons. In this context, we express our opposition to the enhancement of existing nuclear weapons and the development of new types of these weapons, which is inconsistent with the obligation of nuclear disarmament.

III. Elimination of nuclear weapons

13. In addition to a prohibition on nuclear weapons, CELAC express strong support to the complete elimination of nuclear weapons in a transparent, irreversible and verifiable manner, within a multilaterally agreed timeframe, as it was proposed in the Third Conference on the Humanitarian Impact of Nuclear Weapons, held in Vienna in December 2014, whose “Humanitarian Pledge” has been endorsed by the membership of CELAC.

14. Measures leading up the total elimination of nuclear weapons could assume many forms, depending on how they are put forward. They must include, however, the obligation to eliminate current nuclear arsenals in a transparent, verifiable and irreversible manner, as well as specific obligations dealing with the production and existing stockpiles of weapons' grade fissile material, so as to achieve in a timely manner their complete disposal under effective international control.

15. The Community also reiterates the need to eliminate the role of nuclear weapons in strategic doctrines and security policies.

16. CELAC calls for negotiation and adoption, as soon as possible, of an universal and legally binding instrument on negative security assurances.

17. The Community is committed to complement and support existing legally binding international instruments in the field of nuclear disarmament and non-proliferation, such as the Treaty on Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear Test-Ban Treaty and the treaties establishing nuclear weapon free zones.

18. It is the intention of CELAC to continue exploring concrete and practical ways in which such legal measures could be negotiated and adopted as soon as possible.

IV. CELAC recommendations

19. In light of the above, CELAC proposes that the Open Ended Working Group makes the following recommendations to the United Nations General Assembly:

(a) To begin a multilateral diplomatic process for the negotiation of a legally binding instrument for the prohibition of nuclear weapons towards their total elimination.

(b) The elimination of nuclear weapons shall occur in a transparent, irreversible and verifiable manner, within a multilaterally agreed clearly defined time frame.

20. CELAC recalls that the Secretary-General shall transmit the report of the Open Ended Working Group to the Conference on Disarmament, the Disarmament Commission and to the international conference foreseen in paragraph 6 of the General Assembly resolution 68/32.

21. To bring also to the High Level Conference scheduled no later than 2018, the measures and actions identified to prohibit nuclear weapons towards their total elimination in the shortest possible term.