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# United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination

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English only

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New York, 27-31 March 2017 and 15 June-7 July 2017

## Recommendations of the Secretary General of Mayors for Peace for the successful outcome of the ban treaty negotiations

### Submitted by Mayors for Peace

1. On behalf of Mayors for Peace, I am pleased to voice our strong support for this historic negotiation to legally prohibit nuclear weapons. The views below supplement those conveyed in the Mayors for Peace Open Letter of March 14, 2017 in document A/CONF.229/2017/NGO/WP.4.
2. Our international membership now includes over 7200 member cities in 162 countries and regions, all together representing more than 1 billion citizens. We fully agree that a legal prohibition of nuclear weapons would be a crucial step forward—possibly even a turning point—in efforts to achieve a world without nuclear weapons.
3. I am very pleased that Mayor Frank Cownie of Des Moines, Iowa—the leader of the 210 Mayors for Peace member cities in the United States—is with us to show his support for this historic negotiation.
4. The atomic bomb survivors of Hiroshima and Nagasaki who have continued to call for the abolition of nuclear weapons are anxiously looking forward the successful outcome of this negotiation.
5. Mayors for Peace has actively participated in the process leading to this historic negotiation. We have also long promoted the conclusion of a nuclear weapons convention, such as the model convention contained in UN document A/62/650 and we continue to support this approach. However, by attentively following recent discussions, we sense the growing majority of civil society activists and non-nuclear weapon states are supporting the ban-treaty approach, which is widely viewed as urgently needed to revitalize global nuclear disarmament efforts. With this as the focus of these negotiations, we will support such an approach as we continue to pursue other more comprehensive initiatives.
6. As I understand it, unlike the proposal for a nuclear weapons convention, the ban-treaty approach focuses on establishing a legal prohibition but leaves the verification and other aspects aside. Yet the scope of this prohibition should also be comprehensive and include, for example, development, production, testing, possession, stockpiling, deployment, transfer, as well as use and threat of use. In addition, it should apply indiscriminately and without reservation.
7. To ensure that the ban-treaty approach will be successful, however, we need to consider certain challenges in the face of divisive positions among UN member states.

8. As we have stated in Mayors for Peace Open Letter of March 14, 2017 in document A/CONF.229/2017/NGO/WP.4, we must ensure that the negotiations will achieve the effective legal prohibition of nuclear weapons, leading to their total elimination.

9. In this Working Paper, I will focus on this specific challenge of the ban-treaty approach and present a proposal to ensure its success.

10. Most of the states with nuclear-weapons and their allies have objected to these negotiations. While they have not challenged the vision of the world without nuclear weapons, they continue to claim that security must be considered and that conditions for a ban are not ripe. Thirty-five states voted against resolution 71/258 and most of them are likely to boycott the negotiations.

11. A ban treaty ratified with more than 100 non-nuclear weapons states will not establish legally binding effects in general international law beyond the contracting parties, especially if it fails to include most of nuclear dependent states.

12. Judging from the history of nuclear disarmament, nuclear-weapon states will not join a legal regime without verification. The same is likely true for the nuclear umbrella states.

13. To address these concerns, we propose the following.

14. First, while the prohibition should be tight and without reservations, an article or a clause needs to be drafted to allow for the amplification of the treaty as its circumstances evolve. How specific this provision can be should be determined in the negotiations, but this clause should at least provide for the possibility of negotiating additional clauses at a later date, covering such issues as verification, environmental protection, compensation, and other relevant subjects. These could be addressed as necessary to amplify effective implementation measures and to ensure wider participation in the treaty without risking the integrity of the core prohibitions. An article should provide practical conditions for the addition of articles or protocols.

15. Second, a conference party consultation mechanism should be put in place. This mechanism can be a part of the NPT review mechanism relating to article VI or a stand-alone mechanism specific to the ban treaty. Through such a mechanism, contracting parties could assess the status of the treaty, ways to promote more ratifications, and practical measures to amplify the treaty provisions and their effective implementation. Observer states and civil society partners should also be invited to participate.

16. Lastly, civil society persuasion is indispensable. Since no states question the vision of the world without nuclear weapons, and given the widespread perception that nuclear deterrence is both irrelevant in settling current international security challenges as well as a source of unacceptable risks of catastrophic effects if it fails, we view these facts as offering a solid foundation for engaging nuclear-dependent states to take a positive attitude towards nuclear weapons prohibition. We believe that our proposals can facilitate such changes.

17. Working with its conscientious civil society partners, Mayors for Peace continues to encourage nuclear-weapon possessor states and their allies to show the leadership necessary to advance towards a world without nuclear weapons. Together, we will continue our own efforts until this historic goal is finally achieved.