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**United Nations Conference to negotiate a legally-binding instrument to
prohibit nuclear weapons leading to their total elimination**

**General exchange of views: Core prohibitions: effective legal measures, legal
provisions and norms**

**Statement by H. E. Ambassador Guilherme de Aguiar Patriota
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(check against delivery)

Madam President,

Nuclear history may be read as a political struggle over nuclear disarmament. For almost 70 years – since the very first UNGA Resolution – disarmament measures have been discussed back and forth, often in great detail.

The very limited success regarding nuclear disarmament is related to the role played by nuclear weapons in military doctrines. The Cold War, which begun almost at the same time as the nuclear age, left long-standing legacies that continue to influence nuclear weapons policies. These include the continuation of threat-based policies, nuclear deterrence doctrines, extended deterrence and policies of first-use.

In the post-bipolar order, when the ideological confrontation disappeared and the enmity between the superpowers fizzled out, strong nuclear postures outlived the absence of threats that would arguably justify their maintenance. Today those postures are by and large predicated upon the need to defend against the unknown.

Madam President,

The Non-Proliferation Treaty (NPT) is a framework for disarmament. It was conceived as part of a dynamic bargain to be implemented over time, which would erase in due course the distinction between Nuclear Weapons States (NWS) and Non-Nuclear Weapons States (NNWS).

The obligation to disarm is inscribed in Art. VI. To that end, it calls for the cooperation of all States to take "effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".

The NPT parties' compliance to non-proliferation commitments are verified by the International Atomic Energy Agency. There is, however, no mechanism to verify States' compliance with nuclear disarmament.

This imbalance is compounded by the paucity of provisions in the NPT on how to attain nuclear disarmament. Article VI is a legal obligation, crafted, however, in general terms. The fact that no timeline was given for the "cessation of the arms race at an early date" leaves us with a mounting sense of urgency for action.

Madam President,

Outside the NPT multilateral framework there has been, since the height of the Cold War, a series of unilateral decisions or bilateral arms control agreements between NWS which had an effect on nuclear disarmament in terms of reduction of nuclear arsenals, confidence-building and risk reduction measures. It is worth noting that most of those initiatives made no mention of the NPT at all, despite the fact that its Article VI made elimination of nuclear weapons an international legal obligation. This confers credence to the view that, for the majority of nuclear powers, the NPT was somewhat marginal to their core security concerns.

Within the NPT framework, the prevailing logic so far to attain nuclear disarmament has been the so-called "progressive", "gradual" or "step-by-step" approach. This would encompass firstly the cessation of nuclear tests, then a regulation of fissile material for military purposes and finally a convention on nuclear disarmament.

NPT outcome documents from 1995, 2000 and 2010 have endorsed those steps, but none of them have been satisfactorily implemented. Moreover, measures taken by some nuclear armed states have actually resulted in steps backwards.

Madam President,

Brazil is of the view that requiring agreement on the "step-by-step approach" before anything can get started might be precisely what has caused a more than two-decade-long impasse on the nuclear disarmament agenda.

Against this backdrop, a nuclear weapons prohibition can play the role of a catalyst of a new momentum. Besides filling the legal gap concerning the weapons of mass destruction, the prohibition will certainly add pressure for nuclear weapons States' compliance with Art. VI. It would do so basically by stigmatizing nuclear weapons, delegitimizing nuclear deterrence and reaffirming the humanitarian narrative against the existence of this kind of weaponry.

Brazil considers that a prohibition should comprise a core set of prohibitions and obligations, to be applied to all States without discrimination. The main elements of the prohibition should refer to the use, deployment, possession, stockpiling, transfer or reception, production and development of nuclear weapons, and also assistance provided to other States seeking to do so. The prohibition to develop nuclear weapons should also unambiguously include tests in all their forms, including subcritical experiments and computational simulations. The stationing in a party's territory of nuclear weapons under the ownership and control of other

States should also be proscribed, as it is incompatible with the prohibition of possession and stockpiling.

Madam President,

Prohibition comes often before elimination. A telling example of this reasoning is the chemical weapons process: the 1925 Geneva Protocol set out the prohibition of those weapons whereas the Chemical Weapons Convention (CWC), adopted in 1993, established verification and elimination mechanisms.

Those who advocate the prohibition of nuclear weapons only as the final instalment of nuclear disarmament process might be underestimating the influence of norms on international politics. Norms reflect desirable patterns of behavior. They also express values held dear by the international community. Once those norms become part of consuetudinary international law, pressure will be generated on actors that stick to deviating patterns.

Brazil is convinced that the norm setting out a prohibition of nuclear weapons will be an effective step towards nuclear disarmament. Those who claim it will be ineffective because it will not provide for the dismantling of nuclear weapons abide by a narrow logic that focuses exclusively on short-term returns.

Just as with climate change, every action we take today will have consequences tomorrow, if not in the short term, then in the medium or long term. The same is valid for nuclear disarmament. To give up prohibiting nuclear weapons out of fear that concrete results will not be reaped tomorrow would be a miscalculation of the steady, incremental influence of norms.

Madam President,

For too long we have allowed the NWS alone to set the pace of the nuclear disarmament agenda. The threat to life on the planet represented by the mere existence of nuclear weapons is a matter pertaining to all States. It is our duty to consider alternatives to the status-quo. The prohibition of nuclear weapons is a window of opportunity to rekindle nuclear disarmament negotiations. Let's seize it in a responsible, constructive and resolute way.

Thank you.