



2015 NPT Review Conference Briefing Book



REACHING CRITICAL WILL OF THE
WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM

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Cover photo: International Campaign to Abolish
Nuclear Weapons

Introduction

The 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will meet 27 April–22 May 2015 in New York. This Review Conference marks the end of a five-year review cycle.

The three Preparatory Committees that have preceded this meeting have not indicated substantial or consistent advancement of the Treaty's goals and objectives. It has become evident that compliance with previously-agreed commitments related to nuclear disarmament lags far behind those related to non-proliferation or the peaceful uses of nuclear energy. Of the 22 actions related to disarmament, only five have seen definite progress (as compared to 12 of 23 non-proliferation commitments and 11 of 18 related to nuclear energy).

It has become clearer than ever during the course of this review cycle that the nuclear-armed states are not willing to fulfill their disarmament obligations or to take on any concrete, time-bound commitments that might assist with meeting their obligations.

The nuclear-armed and nuclear-dependent countries' actions throughout the review cycle have mainly been oriented toward preserving their dominance over the possession and status of these weapons. They argue that the 2010 NPT Action Plan is a long-term roadmap and therefore intend to push for an indefinite extension of the Action Plan. By preventing concrete action necessary for disarmament, rolling over the Action Plan would only serve to undermine the Treaty.

Against this background, and the lack of progress and deadlock in other UN nuclear disarmament forums, the NPT's credibility and sustainability is increasingly being questioned by a diverse set of actors. Everyone wants to see a successful 2015 Review Conference.

However, success does not simply mean an agreed outcome document. In order for the 2015 Review Conference to be a success, it must show that states are taking credible action to move away from the retention and reliance on nuclear weapons and to set out an effective plan for prohibiting and eliminating these weapons once and for all. Merely rolling over past commitments that have not been implemented is insufficient. This has been the approach for decades; this year, the 70th anniversary of the bombings of Hiroshima and Nagasaki, states must take a bolder approach.

Reaching Critical Will has produced this briefing book to highlight a number of critical issues that states must take into consideration during the 2015 Review Conference, such as the implementation of the 2010 Action Plan, modernisation of nuclear weapons, the humanitarian impact of nuclear weapons, and the potential for negotiations of a treaty banning nuclear weapons.

We hope that this briefing book will give all participants at the 2015 NPT Review Conference a basis for finally achieving the goals and objectives of the Treaty. And regardless of what happens at this Review Conference, all states committed to the elimination of nuclear weapons must be willing to undertake action toward this end, even if not everyone is yet on board with making concrete progress.

Progress on the implementation of the 2010 NPT Action Plan

Background

The NPT Action Plan, adopted at the 2010 NPT Review Conference, was considered an accomplishment at the time. Five years later, however, its partial implementation and relevance for future action must be carefully considered.

The 2010 Action Plan is the latest in a series of agreements reached by NPT states parties over the past decades, including the 1995 principles and objectives, the 1995 resolution on the Middle East, and the 13 practical steps from 2000. None of these agreements have yet been fully implemented. Article VI of the NPT, requiring nuclear disarmament, remains unfulfilled, even as the Treaty's non-proliferation requirements are met and strengthened.

The 64 actions of the Action Plan contain provisions on nuclear disarmament (22 actions), nuclear non-proliferation (23 actions), and nuclear energy (18 actions). The Action Plan was carefully crafted as a compromise between all states parties of the NPT, and the language contains varying degrees of concreteness. This makes it somewhat difficult to assess implementation.

Differing views on the timeframe within which the implementation of the Action Plan should be completed have emerged. In the lead up to the 2015 Review Conference, some states parties stress that the 2010 Action Plan should be seen as a long-

term roadmap. But most states parties do not agree with this retrogressive approach and still see it as a short-term plan that was intended to move states parties closer to full implementation of all Treaty provisions over a specified time frame. Failure to implement those actions within this time frame does not justify their indefinite extension, but rather, should serve as a catalyst for developing new approaches and initiatives to achieve the Treaty's objectives.

Current situation

Implementation of actions across the three pillars varies greatly, therefore it cannot be considered adequately implemented. According to our 2015 NPT Action Plan Monitoring Report, only 28 out of the 64 actions can be considered fully implemented in 2015. 21 actions are being implemented to some degree and 15 actions cannot be considered implemented at all. Most progress has been achieved on the actions dealing with nuclear energy, while those on disarmament lag far behind.

Regardless of differing views on what should be considered progress, a review of states parties' activities to implement the Action Plan and the NPT itself will have to take place during the 2015 Review Conference. States parties will have to discuss how to proceed in order to preserve the credibility of the Treaty and make real progress on achieving its goals.



Photo: UN Photo/Eskinder Debebe

Recommendations for states parties at 2015 NPT Review Conference

- All states should use statements and national reports to highlight their concrete implementation efforts of the Action Plan.
- States parties should discuss how to proceed with regard to the unimplemented agreements from 1995, 2000, and 2010.
- States parties should assess whether the reports presented by the NPT nuclear-armed states at the 2014 Preparatory Committee will suffice to consider their obligations under Action Plan fulfilled.
- States parties should not simply accept an extension of the 2010 Action Plan as a basis for further work.

- States parties should highlight the progress that has been made since 2010, including that related to examining the humanitarian impact of nuclear weapons and the commitments of states made to filling the legal gap related to the prohibition and elimination of nuclear weapons.

To read more about the Action Plan and how it is being implemented, pick up a copy of our 2015 NPT Action Plan Monitoring Report or download it at www.reachingcriticalwill.org.

Humanitarian impacts and the prohibition of nuclear weapons

Background

The most promising recent development in the field of nuclear disarmament has been the renewed focus on the humanitarian impact of nuclear weapons and the associated push to negotiate a legally-binding instrument prohibiting the weapons. This emerged out of the 2010 NPT Review Conference, which expressed “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and affirmed the need to make “special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.”

Three major diplomatic conferences have been convened since the 2010 Review Conference to examine the far-reaching and devastating impacts of nuclear weapon detonations, with the aim of reinvigorating disarmament efforts and devising new paths to abolition. The first was held in Oslo in March 2013 with delegates from 128 states, the second in Nayarit in February 2014 with 146 states, and the third in Vienna in December 2014 with 158 states. All included the voices of relevant United Nations agencies, the International Red Cross and Red Crescent Movement, academia, and non-governmental organisations.

In light of the tremendous success of these conferences—as well as the strong support shown for recent joint statements on the same topic in the First Committee of the UN General Assembly and

at NPT Preparatory Committee meetings (the latest had 155 states signing on)—the humanitarian dimension is expected to be a dominant theme at the 2015 Review Conference, informing both the debates and the decisions taken.

The focus on the humanitarian consequences of nuclear weapons has brought to the fore a recognition that the stockpiling and deployment of nuclear weapons present distinct risks of nuclear detonation, whether intentional or accidental. It has also opened space for consideration of the most appropriate political and legal responses to the continued existence of nuclear weapons. This new discourse has been accompanied by a growing realisation that the nuclear-armed states and their allies cannot be relied upon to accomplish the elimination of their nuclear weapons alone.

The chair’s summary of the Nayarit conference concluded that “new international standards and norms” must be developed in order to eliminate nuclear weapons. It noted that the prohibition of certain categories of indiscriminate weapons has typically preceded their elimination. In the months following the Nayarit conference, many states endorsed the chair’s call for a “legally-binding instrument” to prohibit nuclear weapons, including all members of the African Group and the Community of Latin American and Caribbean States.

At the most recent humanitarian conference, in Vienna, states were even more vocal in their support for negotiations on a prohibition treaty. The

chair's summary reflected this, stating, "Many delegations ... expressed support for the negotiation of a new legal instrument prohibiting nuclear weapons, constituting an effective measure towards nuclear disarmament, as required also by the NPT." It noted that nuclear weapons—unlike other weapons of mass destruction—are not yet subject to a comprehensive, global prohibition.

The host government of Austria concluded the Vienna conference by issuing a special Pledge "to identify and pursue effective measures to fill the legal for the prohibition and elimination of nuclear weapons." Many states have since endorsed this Pledge by formal diplomatic means, signalling their intent to work with relevant stakeholders "to stigmatize, prohibit and eliminate nuclear weapons."

Outlawing nuclear weapons would likely entail the development of a treaty prohibiting the use, development, production, stockpiling, transfer, acquisition, deployment, and financing of nuclear weapons, as well as assistance with these acts. It could also recognize the responsibilities of states to ensure the rights of victims of nuclear weapon use or testing, require decontamination and remediation of affected areas, and provide for cooperation and assistance to meet these obligations. It could provide parameters for the elimination of nuclear weapons within agreed timeframes, for those states with nuclear weapons that join the treaty.

As stipulated in article VI of the NPT, it is the responsibility of all states to make progress towards negotiations on nuclear disarmament. Any step towards the categorical prohibition of nuclear weapons would be fully consistent with the NPT, constituting an "effective measure" referred to in article VI. A treaty banning nuclear weapons should be developed by those states ready to do so, even without the participation of the nuclear-armed states. The negotiating process should be open to all and blockable by none.

Current situation

Many states have signalled their intent "to fill the legal gap for the prohibition and elimination of nuclear weapons" by endorsing the Pledge issued at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons in December 2014.

There is now strong support for the negotiation of a legally binding instrument prohibiting nuclear weapons. The 70th anniversary of the atomic bombings of Hiroshima and Nagasaki—to be marked in August 2015—is widely seen as an "appropriate milestone" by which to launch the diplomatic process to negotiate such a treaty.

The International Red Cross and Red Crescent Movement—the largest humanitarian organisation in the world, with close to 100 million volunteers and staff—has also called for a binding agreement to prohibit the use of and completely eliminate nuclear weapons.

With the emergence of the new humanitarian-focused discourse on nuclear weapons, governments are now presented with a unique opportunity to make progress through a treaty banning nuclear weapons. There is increasing acceptance that the negotiations should begin now, even without the nuclear-armed states.

Recommendations for states parties at 2015 NPT Review Conference

- States should welcome the recent focus on the humanitarian impact of nuclear weapons, which has brought much-needed energy and impetus to discussions on nuclear disarmament. They should also endorse the findings and outcomes of the Oslo, Nayarit, and Vienna conferences.
- States should associate themselves with the Pledge issued at the Vienna conference “to fill the legal gap for the prohibition and elimination of nuclear weapons,” and argue that filling the gap requires the negotiation of a treaty that clearly prohibits nuclear weapons based on their catastrophic humanitarian consequences.
- States should signal their readiness to join a diplomatic process in 2015 to negotiate a treaty prohibiting nuclear weapons. The process should be inclusive, democratic, and involve civil society. No single state or group of states should have the power to block the negotiations. The treaty should be negotiated by those states ready to do so, even if nuclear-armed states decide not to participate.
- States should support the conclusion in the Nayarit chair’s summary that the 70th anniversary of the atomic bombings of Hiroshima and Nagasaki is an appropriate milestone by which to initiate a diplomatic process to ban nuclear weapons.

For more information about the humanitarian impact of nuclear weapons and on banning nuclear weapons, please see the following resources:

- A treaty banning nuclear weapons, Reaching Critical Will and Article 36, April 2014 (www.reachingcriticalwill.org)
- Banning nuclear weapons: an effective measure for disarmament, Reaching Critical Will, October 2014 (www.reachingcriticalwill.org)
- Unspeakable suffering: the humanitarian impact of nuclear weapons, Reaching Critical Will, February 2013 (www.reachingcriticalwill.org)

Modernisation of nuclear arsenals

Background

Article VI of the NPT obligates all states parties to “undertake[s] to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.” Nuclear weapon modernisation is the qualitative aspect of the “nuclear arms race”. Forty-five years ago the NPT required this practice to end “at an early date,” an outcome the Treaty paired with “good faith” progress toward nuclear disarmament. The NPT, especially as unanimously and authoritatively interpreted by the International Court of Justice, requires nuclear disarmament. The illegitimacy of nuclear weapons is a foundation of the NPT.

Yet all of the nuclear-armed states are modernising their nuclear arsenals, and some are continuing to expand them. China, the Democratic People’s Republic of Korea, France, India, Israel, Pakistan, Russia, the United Kingdom, and the United States collectively possess approximately 15,650 nuclear weapons. The continued possession of nuclear weapons, their modernisation, their deployment, and policies of “nuclear deterrence” are in violation of these states’ obligations and commitments to nuclear disarmament and risk the use and proliferation of these weapons of mass destruction. Every ongoing modernization programme moves governments further away from implementing article VI of the NPT and directly contradicts several action points in the 2010 NPT Action Plan.

Current situation

While the numbers of warheads are far below those at the height of the Cold War, multilateral

nuclear disarmament has not occurred. The majority of warhead reductions have been achieved through dismantlement of non-operational warheads or warheads in storage. In addition, nuclear-armed states are investing in their arsenals with the view to keeping nuclear weapons for many decades to come.

There is no comprehensive, explicit legal prohibition of the possession or use of nuclear weapons. And no treaty governs the total number of deployed nuclear warheads, their alert status, the number of maintained, working nuclear warheads held in reserve, the total number of warheads in the retired inventory or in a firm dismantlement queue, the number of warheads actually dismantled, or the number of reusable nuclear components held in inventory from those warheads. There are no treaty-based qualitative restraints on nuclear weapon system technology.

The programmes and policies of the nuclear-armed states are designed to perpetuate their possession of these weapons into the indefinite future. Internationally, these governments have backed the interests that sustain these programmes by adopting inflexible political positions against pursuing initiatives to ban and eliminate nuclear weapons, or even in most cases to discuss the humanitarian impact of nuclear weapons.

Failure by the nuclear-armed states to meet their legal obligation to end the nuclear arms race and eliminate their arsenals must be met with resolve for concrete action by non-nuclear-armed states so as to avoid further entrenchment of the indefinite possession of nuclear weapons. All governments have the responsibility to prevent a humanitarian tragedy.



Photo: Pond5/Pzaxe

Recommendations for states parties at 2015 NPT Review Conference

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How to follow the 2015 NPT Review Conference

As in previous years, Reaching Critical Will is providing a wide range of services so that everyone can follow the discussions of NPT Review Conference.

All of our resources and tools can be found at www.reachingcriticalwill.org/disarmament-fora/npt/2015.

NPT News in Review

The NPT News in Review is a daily publication produced during NPT Preparatory Committee and Review Conferences. It features summaries and analysis of the day's discussions. An extended edition each Monday also reports on side events, features articles from NGOs around the world, announcements, and more.

You can subscribe to receive our News in Review in your inbox each day during the Review Conference at www.reachingcriticalwill.org/news/subscribe.

Advertising: You can use the NPT News in Review to publicise an important announcement, event, or project hosted by your organisation. NIRs are hand-distributed to all of the participants at the RevCon, are sent by e-mail to more than 1000 subscribers, and are archived on our website.

Access to documents

RCW will upload statements, working papers, and documents of the Conference in real time on our website at www.reachingcriticalwill.org/disarmament-fora/npt/2015.

Calendar of events

Reaching Critical Will also keeps track of all official meetings and side events at the Review Conference.

A list of them can be found in the Calendar of Events on our website at www.reachingcriticalwill.org/disarmament-fora/npt/2015/calendar.

Twitter

You will find live updates on Twitter from the conference room on @RCW_ and we are always ready to engage with people there, so don't hesitate to get in touch. You can also follow @nuclearban and the hashtags #NPT2015 and #goodbyenukes

Facebook

In order to see photos and updates from the NPT RevCon, make sure you follow our page on Facebook at <http://www.facebook.com/reachingcriticalwill>.

Reaching Critical Will is the disarmament programme of the Women's International League for Peace and Freedom (WILPF). Reaching Critical Will was created in 1999 in order to promote and facilitate engagement of non-governmental actors in UN processes related to disarmament. RCW was designed to increase the quality and quantity of civil society preparation and participation in UN disarmament processes and of NGO interaction with governments and the United Nations; to provide timely and accurate reporting on all relevant conferences and initiatives so that those unable to attend can stay informed, and to maintain a comprehensive online archive of all statements, resolutions, and other primary documents on disarmament. RCW also produces research studies, reports, statements, fact sheets, and other publications on key issues relevant to disarmament, arms control, and militarism.



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