



2018 NPT BRIEFING BOOK

WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM



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Introduction

Since the last NPT Review Conference, in 2015, there has been a seismic shift in the world of nuclear weapons. Last July, 122 governments voted to adopt the Treaty on the Prohibition of Nuclear Weapons (TPNW), which outlaws the development, possession, use, and threat of use of nuclear weapons. This Treaty is the outcome of years of discussions on the humanitarian impact of nuclear weapons and the recognition that the only way to prevent these weapons from being used is to prohibit and eliminate them.

This Treaty has been seen as a distraction or even as destabilising by most of the states that possess nuclear weapons or that include them in their security doctrines. They have argued that the Treaty's proponents have created divisions in the international community. However, the TPNW is a force of change for collective security and global justice. The divisions or polarisations in this area come instead from the continued investment of billions of dollars into nuclear arsenals, threats to use these weapons to incinerate cities and civilians, and the visible backsliding on commitments made in the NPT context over decades.

The last nuclear NPT Review Conference, in 2015, ended without an outcome document. This on its own is a problem, but not a death sentence for the Treaty by any means—it has survived failed review conferences in the past.

But the 2015 debacle, in which three states parties (United States, United Kingdom, and

Canada) crashed the conference because of objections of a non-state party (Israel), does not stand alone.

Within the NPT context, there are other problems. The action plan from the 2010 NPT Review Conference remains only partially implemented. The disarmament actions suffered the most—of 22 action points, only five saw substantial forward movement.¹ Before 2010, the last agreement was reached in 2000—and the implementation of the “13 practical steps” from that outcome is also woefully inadequate.

Those nuclear-armed states that are party to the NPT have consistently failed to implement their disarmament commitments and obligations. Article VI of the Treaty mandates them—and all other states parties—to undertake in good faith multilateral negotiations for nuclear disarmament. They, and all other NPT states parties that support the perpetuation of extremely dangerous “nuclear deterrence” doctrines, are also in breach of their commitments to reduce the status of nuclear weapons in security strategies.

At the 2017 session of the First Committee of the UN General Assembly, the direction of change became very clear. Amendments to Japan's annual resolution, made under pressure from the US government², dropped language agreed at previous NPT conferences; deleted references to legal and political obligations; and focused single-mindedly on the pursuit of vague “conditions” instead of specific actions. Its references to

nuclear disarmament have been significantly watered down, with even the reference to the “unequivocal undertaking” of NPT nuclear-armed states being changed from the total elimination of their nuclear arsenals to the full implementation of the NPT.

The broader context outside of the NPT is even more frightening. All of the nuclear-armed states have been pouring hundreds of billions of dollars into the so-called modernisation of their arsenals. The Democratic People’s Republic of Korea (DPRK) continues to test nuclear explosive devices of increasing magnitude, and most of the others have continued to test nuclear weapon delivery systems and/or conduct non-explosive tests of their warheads. We are clearly in a new nuclear arms race, with more players and more money and more “kill power” than ever before.³

At the same time, vocal threats of the use of nuclear weapons are on the rise, particularly between the United States and DPRK. The US President used the UN General Assembly to threaten the “total destruction” of the DPRK, while the DPRK President threatened to attack Guam and test hydrogen bombs in the Pacific. 2018 more or less began with the US president taunting the DPRK president about the size of his ... arsenal.⁴ A few weeks later, the wrong push of a button led to residents of Hawaii being terrified by a notification that there was an incoming ballistic missile.⁵ The Doomsday Clock has been set, as of the end of January, at two minutes to

midnight—the closest it’s been since 1953. Following a military parade on the eve of the Olympic winter games, the sporting event provided a brief respite from the tension; after which the DPRK announced it is willing to enter diplomatic talks with the United States.

Meanwhile, even rhetorical commitment to nuclear disarmament is wavering—if it still exists at all. The new regime in the United States has indicated that it may not believe nuclear disarmament is a “realistic objective” and there are warnings that it may resume explosive nuclear testing.⁶ The new nuclear posture review indicates the use of nuclear weapons could be considered in response to non-nuclear attacks, including cyber attacks. The draft also calls for the development of two new types of nuclear weapons: a “low-yield” warhead for its submarine-launched ballistic missiles and reintroduce submarine-launched nuclear cruise missiles. There is also no reference to Article VI of the NPT or to ratifying the Comprehensive Nuclear-Test-Ban Treaty (CTBT).⁷ In fact, the proposed development of new weapons that will require testing undermines the long-held taboo on doing so.

The US government is also wavering on its commitment to the Joint Comprehensive Plan of Action (JCPOA), through which Iran has halted its uranium enrichment programme in exchange for the lifting of sanctions. This is contributing to the atmosphere of mistrust and prompting retaliatory remarks.

The DPRK has threatened to use nuclear weapons against the United States if it feels threatened enough to do so—whatever that measure may be remains unclear. The current relationship between Russia and the United States is confusing at best. “Proxy wars”—which are not proxy for the people being slaughtered, tortured, raped, disappeared, or displaced—are increasing, both in number and in brutality. The level of unpredictability in the global “strategic stability” matrix is rising fast—and the risk of the use of nuclear weapons is rising with it.

Amidst all this negativity, the one bright light has been the adoption on 7 July 2017 of the Treaty on the Prohibition of Nuclear Weapons.⁸ The vast majority of NPT states parties engaged constructively in the process to ban nuclear weapons⁹—in part as a means of compliance with their article VI obligations. The nuclear-armed states and their allies that support nuclear weapons opted to boycott the negotiations of the Treaty and, in most cases, condemn the process leading to the Treaty.¹⁰ The opposition from this minority, however, has been overwhelmed by the moral, ethical, legal, political, economic, environmental, and social arguments for the prohibition and elimination of nuclear weapons.

There is very little else going on that seems like it could help facilitate nuclear disarmament at this time, though what is on the table would compliment the ban nicely. The twenty-plus year process to end the production of fissile materials for nuclear weapons continues to stagger along,



with a new consensus-based working group of limited membership meeting for discussions over the next two years. If it were able to reach agreement to start negotiating a fissile materials treaty that also includes existing stockpiles of weapons-usable material, this would be useful to helping achieve and maintain a nuclear weapon free world. A working group on nuclear disarmament verification starts its work this year, which will hopefully help facilitate verification of disarmament undertakings compelled by the ban treaty.

There is clearly an appetite for work by the majority of countries on nuclear disarmament-related initiatives—even by some of those that continue to adhere to the misguided notion that

nuclear weapons could provide them with any security. But the refusal of some states to join the most promising nuclear disarmament initiative in decades, the prohibition treaty, is not the best signal for the current NPT review cycle. It will be up to those states boycotting the nuclear ban to take strong, concrete action over the next few years to be more transparent about their relationship with nuclear weapons (particularly if they host others' weapons on their territories), withdraw their support for deterrence and modernisation, and help compel their nuclear-armed allies to be serious about disarmament before it's too late for us all.

This briefing book aims to provide those interested in the NPT, and in nuclear disarmament and non-proliferation more broadly, with an understanding of the NPT's history and current context; critical issues facing the Treaty's implementation; and resources for more information. Achieving nuclear disarmament now, amidst rising tensions and increasingly belligerent use of force around the world, is more important than ever. It is every country's right and responsibility to take concerted action now.



Understanding the NPT

The NPT opened for signature on 1 July 1968, and entered into force on 5 March 1970. 189 states have ratified the NPT, becoming “states parties” to the Treaty. India, Israel, and Pakistan have not signed or ratified the Treaty and have developed nuclear weapons since its entry into force. The Democratic People’s Republic of Korea (DPRK) did ratify the Treaty but announced its withdrawal in 2003.

The NPT divides all state parties into two groups: those that tested nuclear weapons before 1 January 1967 and those that did not. The states that tested nuclear weapons before 1967 are China, France, Russia, United Kingdom, and United States.

The NPT is geared both to preventing proliferation of nuclear weapons to new states, and facilitating the elimination of nuclear weapons and delivery systems of the five states it recognizes as having nuclear weapons. It sets up what some refer to as the “grand bargain”: that in exchange for a commitment from the rest of the states parties to never develop or receive nuclear weapons, the nuclear-armed states parties promised to eliminate their arsenals and facilitate access to the “peaceful uses” of nuclear technology.

This bargain, however, is under serious strain, as the nuclear-armed states parties have not held up their end in terms of disarmament. In addition, nuclear sharing arrangements under which Belgium, Germany, Italy, Netherlands, and Turkey host US nuclear weapons on their soil, as well as

discriminatory practices in relation to access to nuclear technology and materials, have also undermined the Treaty’s promised bargain.

Summary of the articles

Article I. Nuclear weapon states will not transfer nuclear weapons, nor will they assist in the development of nuclear weapons in any way.

Article II. Non-nuclear weapon states will not acquire nuclear weapons, nor will they manufacture such weapons.

Article III. Non-nuclear weapon states will accept inspection of their civilian nuclear energy plants by the International Atomic Energy Agency (IAEA) and the form of such inspections shall be negotiated by each state and the IAEA in additional protocols.

Article IV. Nothing in this Treaty shall impede states parties’ “inalienable right” to nuclear energy for peaceful purposes.

Article V. Benefits from what were once described as “peaceful nuclear explosions” should be shared all around (this article has been superseded by the Comprehensive Test Ban Treaty and it is recognised that there no such benefits).

Article VI. Each party to the Treaty is obliged to pursue negotiations on effective measures relating to cessation of the nuclear arms race at and early date and to nuclear disarmament. States

parties also agree to pursue a treaty on general and complete disarmament under strict and effective international control.

Article VII. Nothing in the Treaty can stop nuclear weapon free zones from being negotiated. Several have been and are being successfully implemented.

Article VIII. Sets up a procedure for amendments of the Treaty and for the review process.

Article XI. The Treaty is open for all countries, and it will enter into force when the US, UK, USSR and 40 other states have ratified it. The definition of a nuclear weapon state is one that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

Article X. Each party has the right to withdraw from the Treaty if it decides that extraordinary events have jeopardized the interest of the country. A three months notice of withdrawal must be given to all states parties of the treaty and the United Nations Security Council.

Article XI. The Treaty is available in English, Russian, French, Spanish, and Chinese and all languages are equally authentic.

Previous reviews of the Treaty

NPT states parties meet every five years to “review the progress of the Treaty”. The following is a brief history of those meetings.

The first Review Conference was held in **1975**. The diverging views over the objective of the Treaty stem back to this meeting, when the three nuclear-armed states parties (Soviet Union, United Kingdom, and United States) and most other Eastern and Western bloc countries advocated for strengthened safeguards and universalisation while the non-aligned and neutral countries called for operationalisation of the disarmament objectives. States did agree on a Final Declaration, which among other things expressed concern that while various arms limitation agreements had been concluded since 1970, the nuclear-arms race had continued unabated. It therefore urged resolute efforts by each party to achieve an early and effective implementation of article VI.

In **1980**, states parties were not able to adopt a final document because of differing views over the implementation of article VI. In addition, differences of view concerning the obligation of states parties under articles I and II of the Treaty were pronounced. A number of non-aligned states argued that collaborations on nuclear technology, particularly with some non-parties to the Treaty, could result in proliferation. Some were also frustrated with what they considered restrictive export policies applied to them by suppliers of nuclear technology and equipment.

In **1985**, questions persisted about whether the Treaty had been effective in preventing proliferation, with some states calling out the Israeli and South African unsafeguarded nuclear

facilities. Divergent views over technical assistance with “peaceful uses” persisted, as did concern over the lack of nuclear disarmament. Most states expressed concern that talks over a comprehensive nuclear test ban treaty had not continued since 1980. After intense negotiations, states parties agreed to a final document and a declaration that was critical of some aspects of the NPT’s implementation but offered purposeful recommendations to strengthen the Treaty.

In **1990**, states parties could once again not agree to a final document, mostly due to failures to implement to article VI, including negotiation of a comprehensive nuclear test ban treaty, and over the spread of nuclear technology in perceived violation of articles I and II of the Treaty.

In **1995**, the Review Conference decided to extend the Treaty past its initial 25 years; it is now an indefinite treaty. States parties also agreed to a package of decisions, including a resolution calling for a nuclear weapon free zone in the Middle East. It also agreed upon a “strengthened review process,” which included the introduction of three preparatory committees preceeding each review conference.

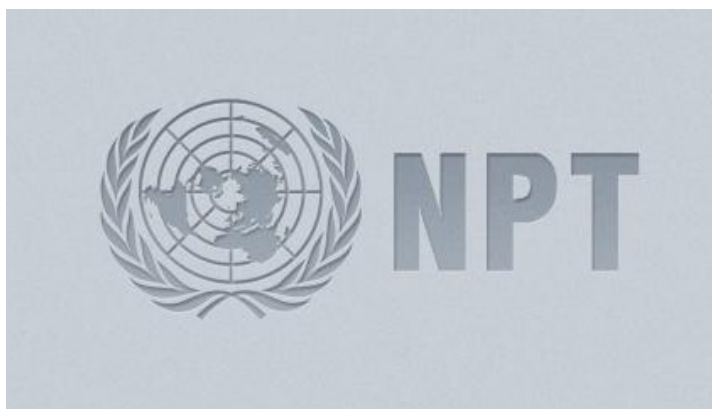
In **2000**, after intense negotiations and near failure of the conference over lack of implementation of article VI and the resolution on the Middle East, states parties adopted thirteen progressive and systematic steps to implement the nuclear disarmament obligation in the Treaty and the decisions reached at the 1995 conference.

In **2005**, states parties failed to agree on an outcome document, largely because of disagreement between nuclear-armed and non-

nuclear-armed states, with the former emphasising the importance of strengthening non-proliferation efforts and focusing on specific cases of actual and suspected non-compliance with the Treaty, and the latter emphasising the importance of compliance with and implementation of past disarmament obligations.

In **2010**, states parties adopted a 64-point action plan for implementing the NPT, with sets of actions on nuclear disarmament, non-proliferation, and nuclear energy. Implementation of the actions across the three pillars varied greatly. By 2015, only 28 of the actions were fully implemented.

In **2015**, states parties did not adopt an outcome. The United States, United Kingdom, and Canada blocked the adoption of a text that had been painstakingly negotiated throughout the month-long review conference, at the behest of Israel, a non-state party that possesses nuclear weapons.¹² The negotiated text was notoriously weak on disarmament, in some cases moving backwards from previous commitments.¹³



Critical issues

Modernisation

China, the Democratic People's Republic of Korea (DPRK), France, India, Israel, Pakistan, Russia, the United Kingdom, and the United States all possess the capacity to detonate nuclear explosive devices. The DPRK's programme is relatively recent and in development, but the rest of these states have had nuclear weapons for decades. They are now all "modernising" their arsenals of warheads and delivery systems. Some are also expanding the size of their arsenals.¹⁴

These "modernisation" programmes are not, as this study has shown since in its first edition in 2012, just about "increasing the safety and security" of nuclear arsenals, which is what the governments of these countries claim. The "upgrades" in many cases provide new capabilities to the weapon systems. They also extend the lives of these weapon systems beyond the middle of this century, ensuring that the arms race will continue indefinitely.

Modernisation of nuclear weapons is driven



Operation Ivy, Mike cloud, aerial view, 1955 – 1979 © National Archives.

largely by the quest for military advantage. Nuclear “deterrence” requires the threat of the use of nuclear weapons to be credible, and preparations for such use, legitimate. Modernisation, especially if new capacities are created, refreshes the perceived utility and credibility of nuclear use, both technically and politically. The only way to prevent states from modernising their nuclear weapons is to prohibit and eliminate the weapons. Article VI of the NPT obligates all states parties to “undertake 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.¹⁵ The illegitimacy of nuclear weapons is a foundation of the NPT.

Thus nuclear weapon modernisation goes against the letter and spirit of international law. These programmes are also absurd and immoral, in light of the known consequences of their use and in light of the economic, social, and environmental crises we collectively face. The nine states possessing nuclear weapons, and the countries that support the modernisation and perpetuation of their arsenals by including nuclear weapons in their security doctrines, are all complicit in this horrific threat to the planet.

These states’ failure 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 and environmental tragedy. The TPNW is a step in the right direction, particularly in its prohibition on assistance with prohibited acts under the treaty. This provision can help impede modernisation programmes and help to facilitate and compel the

Recommendations

- All states possessing nuclear arsenals should halt research, development, testing, and production of nuclear weapons and delivery systems. They should also declare that they will not design, develop, or produce new nuclear weapons, or modify or modernise existing warheads to add military capabilities.
- States not possessing nuclear weapons should continue to raise concerns about the threat that the existence of nuclear weapons poses for human security and call on nuclear-armed states to halt all modernisation projects and meet their commitments to nuclear disarmament.
- States that include nuclear weapons in their security doctrines should renounce them and withdraw support for any relevant modernisation projects.
- States parties not possessing nuclear weapons should continue to highlight that a world free of nuclear weapons can only be achieved if the nuclear-armed states stop modernising their nuclear arsenals and thereby extending their existence into the distant future.
- Non-nuclear armed states should stop providing any material or financial support to public or private companies involved in nuclear weapon production, testing, or modernisation. They should also prohibit such investment by companies or other entities within their jurisdiction

Doctrines and transparency

Action 5 of the 2010 NPT Review Conference outcome document committed nuclear-armed states to “promptly engage with a view to,” among other things, diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines, and policies and further enhancing transparency and increasing mutual confidence. They were called upon to report on these undertakings in 2014; they were also, by action 21, encouraged to agree on a standard reporting form. Instead of complying with these agreed commitments, the nuclear-armed states came to the 2015 Review Conference with only a glossary of nuclear terms (an activity that did not appear anywhere in the 64 actions of the 2010 agreement).

This flagrant disregard for agreed commitments is of course not new in the NPT context, but it continues to erode the Treaty’s credibility. It is not just the nuclear-armed states that contribute to this erosion, however.

All states parties agreed in 2010 to pursue “policies that are fully compatible with the treaty and the objective of achieving a world without nuclear weapons”. This is the first action in the 64-point action plan. There is, of course, ample evidence that the five nuclear-armed states parties have failed to abide by this commitment. What about the rest of the treaty’s membership? Have they pursued policies fully compatible with the goal of elimination?

Several non-nuclear-armed states parties (e.g. those with the North Atlantic Treaty Organisation and those that maintain a doctrine of “extended nuclear deterrence” such as Australia, Japan, and

Republic of Korea) continue to claim that nuclear weapons are essential for their security—and that they will remain so indefinitely. We have seen no signs of movement by any of them towards diminishing, let alone eliminating, the role of nuclear weapons in their military concepts. If anything, they have become even more strident in their defence of nuclear weapons as legitimate and necessary—despite acknowledging their catastrophic humanitarian consequences.

Far from being champions of nuclear disarmament, these states reinforce the false belief that nuclear weapons are legitimate, useful, and necessary instruments of security policies. This is contrary to the NPT’s explicit understanding that nuclear war would result in devastation for humankind and that every effort should be made to prevent this.

The policies and practices of this small group of non-nuclear-armed states parties—together with those of the nuclear-armed states parties—have placed enormous strain on the NPT. If these states genuinely consider the NPT to be the “cornerstone” of the non-proliferation and disarmament regime, they must work towards implementing its provisions.

What steps will these states take during the current NPT review cycle to end their reliance on nuclear weapons? When will they remove the nuclear bombs stationed on their territories? When will they end their involvement in nuclear war planning activities? For far too long, these states have been largely unaccountable to the broader NPT membership. They have engaged in behaviour that they themselves would never tolerate of others.

As a first step, they should become more

transparent about their practices. Those that station nuclear weapons on their territories should end their opaque policy of neither confirming nor denying this. These “host” states should provide details of the location, the number, the status, and the type of these weapons, as well as the vehicles that would be used to deliver them. If they expect the nuclear-armed states parties to be more open about their arsenals, what justification can there be for withholding such information themselves?

The NPT states parties that permit the transit of nuclear weapons through their territory, including their territorial waters, should inform the membership when, how often, along which routes, and at what risk to their own citizens—and to the citizens of the world. These are fundamental questions—reasonable questions—that should not go unanswered. Enhanced transparency is a responsibility for all states parties, especially those that continue to claim protection from these immoral, illegitimate weapons.

At the same time, the NPT and its outcome documents over the last 47 years have continuously stressed the need to reduce the role of nuclear weapons in security doctrines. Nuclear weapons do not bring security; recognising this and taking action on this point is important for nuclear disarmament.

The draft outcome document of the 2015 NPT Review Conference, which was not adopted in the end, called upon all states concerned “to continue to review their military and security concepts,

doctrines and policies over the course of the next review cycle, with a view to reducing further the role and significance of nuclear weapons therein.” It was useful that this applied not just to nuclear-armed states but was inclusive of all states that include nuclear weapons in their doctrines.

The draft outcome also encouraged nuclear-armed states to include very specific details in their reporting to the 2020 review cycle, including the number, type, and status of nuclear warheads; the number and type of delivery vehicles; the measures taken to reduce the role and significance of nuclear weapons in military and security concepts, doctrines, and policies; the measures taken to reduce the risk of unintended, unauthorised, or accidental use of nuclear weapons; the measures taken to reduce the operational readiness of nuclear weapon systems; the number and type of weapons and delivery systems dismantled and reduced; and the amount of fissile material for military purposes.

These are important steps that should be pursued in this review cycle, amongst others. Nearly five decades after this landmark agreement was negotiated, we must be asking not only whether the nuclear-armed states parties are doing enough to fulfill their obligations, but also whether every non-nuclear-armed state party is doing enough. Certainly, the vast majority of states are taking article VI very seriously. But a small handful of states are failing to do so. The rest of the NPT membership should demand better from them.

Recommendations

- All nuclear-armed states parties should: a) take steps to eliminate any role for nuclear weapons in their military and security concepts, doctrines, and policies; b) submit plans for doing so; and c) report on the items included in the draft 2015 outcome document, with a view towards total elimination.
- All non-nuclear-armed states parties that claim protection from nuclear weapons should: a) take steps to eliminate any role for nuclear weapons in their military and security concepts, doctrines and policies; b) submit plans for doing so; and c) provide details about the deployment of nuclear weapons on their territory or the transit of nuclear weapons through their territory.
- All other non-nuclear-armed states parties should highlight the incompatibility of such policies and practices with the NPT and the objective of achieving a world without nuclear weapons. They should underscore that the obligation to pursue nuclear disarmament applies to all states parties, not only to those armed with nuclear weapons. They should also question actions taken by nuclear-armed states that are contrary to the object and purpose of the NPT, in line with the proposed reporting outlined in the draft outcome document of the 2015 Review Conference.

Middle East nuclear weapon free zone

Throughout the NPT's history, the issue of proliferation and of attacks against nuclear facilities in the Middle East has been an issue of extreme contention. While concerns about nuclear facilities in Iraq, Iran, and Syria have been raised in the context of the NPT and IAEA safeguards, it is Israel's nuclear weapon programme that has led to frustrating failures in the Treaty's implementation and even at least one failed review conference, in 2015—even though Israel is not a state party to the Treaty.

In 1995, when states parties were considering the extension of the Treaty, many states parties from the Middle East expressed strong reservations against extending the Treaty while Israel remained outside of the Treaty with unsafeguarded nuclear facilities. Thus, along with the agreement to extend the NPT indefinitely, states parties also adopted without a vote a resolution on the Middle East. Among things, this

resolution called upon all states in the Middle East to accede to the NPT as well as to take practical steps towards the establishment of a zone free of weapons of mass destruction (WMD) in the region.¹⁶

Since then, however, many states in the region argue that not enough has been done to bring Israel into the NPT or to establish a WMD free zone in the Middle East. In 2010, the final document devoted a section to this issue, and agreed upon several “practical steps” to implement the 1995 resolution. Among other things, it decided that the UN Secretary-General and the co-sponsors of the 1995 resolution (Russia, United Kingdom, and United States), in consultation with states in the region, would convene a conference in 2012 on establishing a WMD free zone in the Middle East.

This conference was never held. Ambassador Jaakko Laajava of Finland, who was appointed facilitator of the conference, travelled the region extensively in 2011 and 2012 in preparation of the

meeting. In his report to the 2013 NPT Preparatory Committee meeting, he noted that as “not all states” have taken a position regarding participation or arrangement of the conference, “it was not possible to convene a Conference in 2012 as planned.” Following the postponement of the conference, Ambassador Laajava proposed holding multilateral consultations on the topic as soon as possible and urged states to be constructive toward this end.¹⁷

The Egyptian delegation walked out on the rest of the PrepCom, saying, “We cannot continue to attend meetings and agree on outcomes that do not get implemented, yet to be expected to abide by the concessions we gave for this outcome.” The rest of the Arab states did not leave the meeting, but the Arab League questioned the lack of agenda and framework for the proposed consultations. It said it was ready to participate in such consultations if it was held under UN auspices and with an “appropriate” agenda attached to the invitation. The US, on the other hand, stated that an “agenda simply cannot be dictated from outside the region—it must be consensual among the States who must live with the agenda.”¹⁸

Consultations were held in the run-up to the 2015 NPT Review Conference, though the facilitator

was not able to get agreement on the convening of a conference. The 2015 Review Conference decided to try again, agreeing in its draft final document that the UN Secretary-General would convene the conference agreed to in 2010 no later than 1 March 2016, aimed at “launching a continuous process of negotiating and concluding a legally binding treaty establishing a Middle East zone free of nuclear weapons and all other weapons of mass destruction on the basis on the basis of arrangements freely arrived at by the States of the region.”¹⁹

This outcome document was not adopted, however, because of Israel’s objections to this agreement. Israel is not a state party to the NPT, so the United States, United Kingdom, and Canada blocked the adoption of the agreement on the final afternoon of the conference.²⁰ “The failure on the Middle East leaves us in a perverse situation,” said the South African delegation in its closing remarks to the Conference, in which “a state that is outside of the Treaty has expectations of us and expects us to play by rules it will not play by and be subjected to scrutiny it will not subject itself to.” This problem has persisted. This review cycle will need to address it.

Recommendation

- States parties should appoint a facilitator to prepare recommendations on how to make progress on achieving a weapon of mass destruction free zone in the Middle East during this review cycle. This should include looking at developments both inside and outside of the NPT as context, including modernisation programmes, the prohibition treaty, and other region-specific developments.

Nuclear risk and humanitarian consequences

Nuclear weapons and nuclear energy both offer only “a vision of hell,” to draw upon the description of nuclear power plants by Japanese novelist Haruki Murakami.²¹ Both are characterised by their inherent risks and capacity to unleash uniquely horrifying forms of devastation upon human bodies, the environment, and our socioeconomic infrastructure.

The immediate effects of even a single nuclear weapon detonation are horrifying and overwhelming. One detonation will cause tens of thousands of casualties and inflict immediate and irreversible damage to infrastructure, industry, livelihoods, and human lives. The effects will persist over time, devastating human health, the environment, and our economies for years to come. These impacts will wreak havoc on food production, natural disasters, and displace entire populations.²²

The mere existence of nuclear weapons generates great risk. There have been many instances of

near-misses and potential accidental nuclear detonations.²³ There have also been a number of recent reports of the declining operational atmosphere and disturbing behaviour of those in supposed “command and control” of these arsenals.²⁴ Furthermore, the policies of “nuclear deterrence” and military doctrines of nuclear-armed states and their allies require preparations for the use of nuclear weapons.²⁵ The new US nuclear posture review suggests it may be constructing smaller, more “useable” nuclear weapons. The potential use of nuclear weapons in a conflict between their possessors or in pre-emptive or retaliatory strikes against others is not a threat of the past.

Three major diplomatic conferences were convened between the 2010 and 2015 NPT Review Conferences 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. These conferences led to new information about the risks and consequences of nuclear weapons, and have culminated in the negotiation of an international legally binding instrument to prohibit nuclear weapons through a process currently underway at the United Nations, as explained later in this book.

Nuclear weapons are not the only nuclear risk. In 1953, just a few years after the United States used two nuclear weapons against Japan, US President Eisenhower launched his Atoms for Peace programme at the United Nations. It resulted in the spread of nuclear technology and materials around the world for so-called peaceful uses—energy, medicinal uses, and research. In reality, nuclear technology is anything but peaceful.

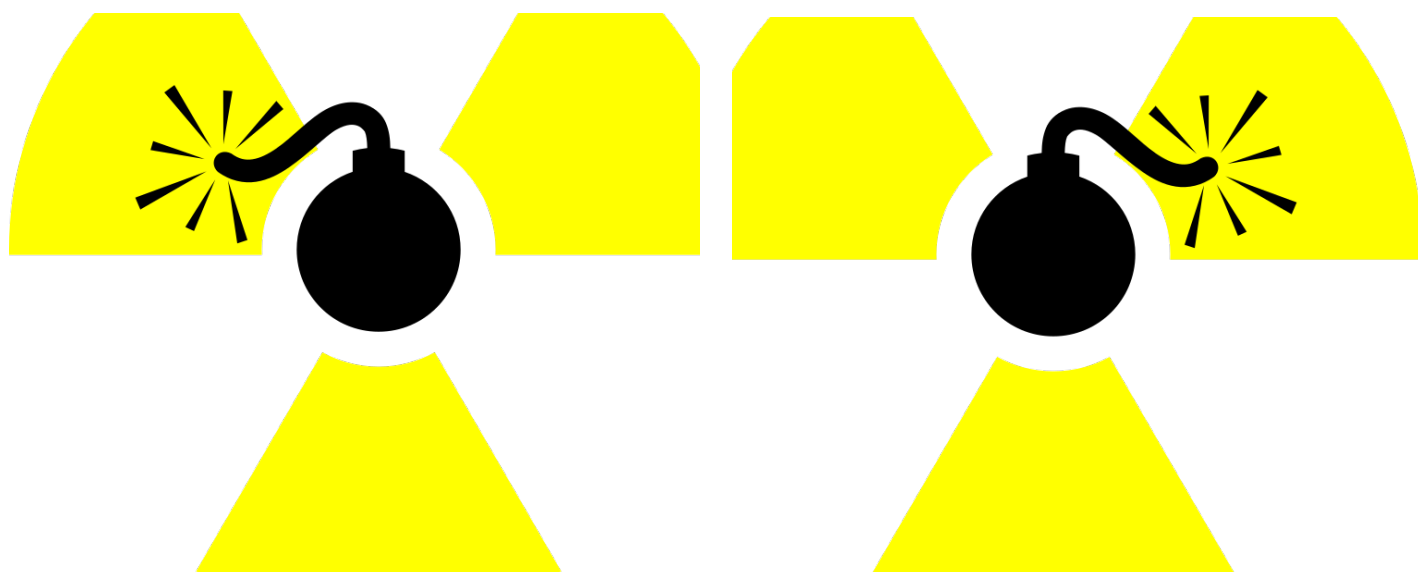
Nuclear power is the most expensive and dangerous way to boil water to turn a turbine.²⁶ Nuclear power contains the inherent potential for catastrophe. There is no such thing as a safe nuclear reactor.²⁷ All aspects of the nuclear fuel chain, from mining uranium ore to storing radioactive waste, are devastating for the earth and all species living upon it.²⁸ Radiation is long lasting and has inter-generational effects.

Nuclear energy is not a solution to the climate crisis.²⁹ Yet it continues being promoted as such, touted as clean, safe, and reliable. This has everything to do with capitalism and nothing to do with protecting the planet or its people. For the nuclear power industry, the primary motive for operation is profit. History shows us that

increasing profit is often best achieved in ways that are not consistent with designing or operating the relevant equipment for the lowest risk to humanity or the planet. It is less likely to be achieved by honestly exploring alternative sources of energy that might necessitate initial investments, or that might not be eligible for the same government (i.e. taxpayer-funded) subsidies as nuclear is in many countries. Profit is also less likely to be achieved by designing economically efficient, need-oriented, and environmentally sound sources of energy.³⁰ Scientists and activists alike have noted that nuclear power, which produces energy “in large, expensive, centralized facilities” is not useful “for solving the energy needs of the vast majority of [the world’s] population, much less so in a way that offers any net environmental gains.”³¹

In the meantime, the spread of nuclear energy around the world since 1953 has enabled the related development of nuclear weapons in several countries, and to the proliferation of nuclear materials and technology that are becoming susceptible to terrorist attack or accidents. The continued existence of nuclear fuel





cycle facilities, technology, and material makes it more difficult to reach a world free of nuclear weapons. Since 1945, many scientists, activists, and government officials have pointed out that nuclear material, technology, and facilities are dangerous whether they are in weapons form or for “peaceful uses”. Eliminating all nuclear materials and technology, whatever its designated purpose, is the only way to ensure that it does not result in catastrophe, by accident or design.

Within the NPT context, nuclear energy is upheld by most states as an “inalienable right”. This means that most states laud its perceived benefits and promote its expansion, regardless of the risks to humanity, the environment, and proliferation. A few states parties recognise these inherent risks and have chosen not to pursue or to phase out nuclear power as part of their energy mixes. The more states parties that follow this path, the better for us all.

Recommendations

- States should welcome the recent work undertaken to examine 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 support all initiatives to eliminate nuclear weapons and nuclear materials, including those to prohibit nuclear weapons, to stop the production of fissile materials and eliminate existing stocks, and to establish verification measures for nuclear disarmament.
- States should support the 25 May 2011 declaration by the governments of Austria, Greece, Ireland, Latvia, Liechtenstein, Luxembourg, Malta, and Portugal, in which they argued that nuclear power is not compatible with the concept of sustainable development and called for energy conservation and a switch to renewable sources of energy world-wide.
- States should also support the February 2011 call from a group of hibakusha for phasing-out all sources of radiation—from uranium mining, nuclear reactors, nuclear accidents, nuclear weapons development and testing, and nuclear waste—and for investment in renewable, clean energy for a sustainable future.
- States should phase-out nuclear energy and increase their support for the development of commercially viable renewable and non-carbon emitting sources of energy. Governments should cease their promotion of nuclear power.

Nuclear disarmament and the prohibition of nuclear weapons

A fundamental problem with the NPT is the special status it grants to five states on the basis of their prior possession of nuclear weapons—China, France, Russia the United Kingdom, and United States. This status has been used by these states to argue the legitimacy of this possession. Tony Blair, then-UK prime minister speaking in the House of Commons in 2007, argued that the NPT “makes it absolutely clear that Britain has the right to possess nuclear weapons.”³²

This is not a good-faith interpretation of the NPT; the treaty simply acknowledges that five states possessed tested nuclear arsenals at the time of its negotiation, and further subjects those states to an obligation of negotiating disarmament. Nonetheless, as decades have gone by without the elimination of those weapons the NPT has seemed to have formalised a regime of nuclear weapon “haves and have nots” that undermines its legitimacy and effectiveness in the eyes of many governments and publics.

In the last review cycle, the nuclear-armed states parties failed to implement even the most basic commitments they made in the 2010 action plan in regards to disarmament. Under action 5, for example, they committed to engage with other states on matters of global stockpile reduction; tactical nuclear weapons and nuclear “sharing”; diminishing the role of nuclear weapons in security policies; preventing nuclear weapons use and eliminating nuclear weapons; reducing operational status of nuclear weapons; reducing the risk of accidental use; and increasing transparency and mutual confidence. The nuclear-armed states met with each other on a number of

occasions, but by 2015 they had just developed a glossary of nuclear terminologies—which was not even something they had agreed to do in 2010.

2015 is not the first review conference to which the nuclear-armed states parties have shown up empty handed. This has been a consistent pattern since 1975. It was only a matter of time before other states parties decided to take matters into their own hands—and in 2010, they started doing just that. The result of this initiative was the adoption in July 2017 of a Treaty on the Prohibition of Nuclear Weapons (TPNW). It is likely that the future relationship between the NPT and TPNW and related political dynamics will have some impact on discussions during this NPT review cycle. It is therefore helpful to understand the background and connection between them.

Reengaging a humanitarian perspective

The 2010 NPT outcome document expressed concern about the “catastrophic humanitarian consequences of any use of nuclear weapons” and committed states parties to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.” Building from here, the vast majority of states gathered for three major diplomatic conferences and issued joint statements on this subject up until the 2015 Review Conference.

The conferences, held in Norway (March 2013), Mexico (February 2014), and Austria (December 2014), examined the far-reaching and devastating impacts of nuclear weapon detonations, with the aim of reinvigorating disarmament efforts and devising new paths to abolition.³³ All of these meetings included the voices of relevant United Nations agencies, the International Red Cross and Red Crescent Movement, academia, and non-

governmental organisations.

The focus on the humanitarian consequences of nuclear weapons 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 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 Mexico 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.³⁴ In the months following the Mexico 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 final 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."³⁵ It noted that nuclear weapons—unlike other weapons of mass destruction—are not yet subject to a comprehensive, global prohibition.



Atomic bomb damage in Hiroshima, Japan as seen by the USS *Appalachian* November 27, 1945 © US Department of Energy.

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.”³⁶ Many states have since endorsed this Pledge by formal diplomatic means, signalling their intent to work with relevant stakeholders “to stigmatise, prohibit and eliminate nuclear weapons.” By the end of the 2015 NPT Review Conference, 127 states had endorsed what was then known as the Humanitarian Pledge.³⁷

Filling the legal gap

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 meetings (the statement at the NPT 2015 Review Conference had 159 states signing on)—the UN in Geneva convened a series of meetings in 2016 to discuss the legal and political options for moving forward.³⁸ By the time the UN General Assembly convened in October 2016, it was clear that the vast majority of states supported the negotiation of a treaty banning nuclear weapons. Over 120 states voted in favour of convening these negotiations in 2017, even without the support of the nuclear-armed states.³⁹

The nuclear-armed states indeed did not these negotiations. Over the years leading up the nuclear ban treaty, they issued increasingly alarmist rhetoric against this process, with the US delegation once even suggesting the ban would undermine strategic stability so greatly it may lead to a nuclear war.⁴⁰ The US government under President Obama also instructed its allies that include nuclear weapons in their security doctrines, to boycott the talks.⁴¹

Despite this opposition, the UN conference to negotiate a legally binding treaty to prohibit nuclear weapons was a resounding success.⁴² Over 130 governments participated in the conference.⁴³ Civil society, and international organisations engaged in interactive dialogue together, highlighting the uniquely collaborative nature of these negotiations. Civil society organisations accredited to the conference provided daily interventions on each of topics discussed by states, and experts were invited by the president of the conference to engage informally with states to discuss some of the most critical issues under consideration.

The Treaty, the adoption for which 122 governments voted on 7 July, outlaws the development, testing, production, manufacture, acquisition, possession, stockpiling, stationing, deployment, transfer, use, or threat of use nuclear weapons, or assisting with any of these prohibited activities. It contains provisions for victim assistance and environmental remediation. It also sets out a process by which states with nuclear weapons can join and eliminate their arsenals. Significantly, it recognizes that any use of nuclear weapons would be contrary to international humanitarian law. It puts nuclear weapons on the same legal footing as the other weapons of mass destruction, biological and chemical weapons.

The TPNW is not an end in itself. But prohibiting nuclear weapons will be a catalyst for change. It is already having an impact, particularly on economic investments in nuclear weapon production. The largest Dutch pension fund, the civil servants fund ABP, has decided to end its investments in producers of nuclear weapons. The pension fund recognises that this global ban on nuclear weapons was decisive in its decision.⁴⁴ Similarly,



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Norway has decided to exclude investments in BAE Systems, AECOM, Fluror Corp, Huntington Ingalls Industries, and Honeywell because of these companies' involvement in the production of key components for nuclear weapons.⁴⁵

There is much work to be done to reach the TPNW's entry into force, ensure its implementation, and to achieve the overarching goal of nuclear disarmament and a nuclear weapon free world. But we have seen so far should give us great hope that this is possible, and that the process of banning nuclear weapons is bringing broader change to international relations.

The ban and the NPT

Opponents of the ban treaty have tried to manufacture a false tension between the ban and the NPT, but in both a legal and practical

sense the ban treaty will be important and complementary to the NPT.

The NPT does not set out a timeline or plan for disarmament; it simply obligates states to disarm. As we have seen with other weapon systems, prohibition facilitates elimination. Banning nuclear weapons is an important first step to eliminating them. 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.

The current lack of progress on nuclear disarmament, coupled with modernisation programmes and the insistence of some states that these weapons have security value, makes preventing proliferation and achieving a world

free of nuclear weapons difficult if not impossible. Banning nuclear weapons would not solve all of challenges facing the NPT immediately. But it could go a long way towards addressing many of the concerns and problems facing the NPT regime.⁴⁶

The NPT itself sets out both the rationale and obligation to ban nuclear weapons. It highlights the catastrophic consequences of the use of nuclear weapons as its motivation for preventing proliferation and achieving disarmament. It specifically seeks to end the arms race and the production of nuclear weapons, and to achieve the total elimination of nuclear weapons through good faith negotiations. Banning nuclear weapons, which also has as its primary motivation the catastrophic consequences of the use of nuclear weapons, likewise seeks to end the production and possession of nuclear weapons.

Taking the step of categorically prohibiting these weapons is fully consistent with the NPT and will only help to achieve its goals. Amongst other things, the TPNW will further stigmatise nuclear weapons—which has impacts beyond just states parties to the treaty. It will change the legal and political landscape, creating a new norm against the possession and financing of nuclear weapons. It will also support a new discourse about nuclear weapons that understands them as weapons of terror, instability, and insecurity rather than as “deterrents” or instruments of “security”. Stigmatisation will make it clear that nuclear weapons are incompatible with the principles of human rights and humanitarian law, becoming increasingly unattractive to governments that wish to be viewed in good standing in the international community.

At the same time, the ban treaty will also help create the conditions for nuclear disarmament. It will help provide a space and context for disarmament and for an end to further nuclear weapon development and modernisation. It will provide an economic impetus for financial divestment from nuclear weapons production and political, legal, and social incentives to stop the arms race and begin a real process of nuclear disarmament.

The ban treaty also raises an extremely important point about process. The problem with the NPT is that its states parties, especially its nuclear-armed states parties, make commitments but then choose not to implement them. Most other states parties compromise to reach agreements—they accept less than they would otherwise, and they offer other commitments in return. But sometimes before the ink is even dry, the countries that forced those concessions have walked away from or reinterpreted the agreement. Article VI. The 1995 resolution on the Middle East. Most of the 13 practical steps from 2000. Actions 5 and 21, among others, of the 2010 action plan. All are examples of this phenomenon within the NPT context.

The solution is to stop waiting for these countries to take the initiative to fulfill their commitments, and to prevent them from dictating how agreements are reached. When there is a known and established pattern of certain states forcing concessions and then walking away from the commitments they have made, other states should act to ensure this does not stand in the way of achieving collective security goals.

Moving from a state-centric to a humanitarian approach to security was an excellent start. The

debate on the humanitarian impact reestablished the fact that nuclear weapons are dangerous and destructive. It also emphasised the perspective that disarmament is everyone's responsibility. In this shifting and insecure world, there are actions we can take and paths we can walk on without waiting for the obstacles to move themselves.

The NPT cannot relegate the achievement of its most fundamental objective—an end to nuclear weapons—to an indefinite holding pattern, until those that possess them feel “conditions are right”. All states have the immediate obligation to implement their commitments as reflected in the spirit and letter of the NPT and the outcome documents of its review conferences.

Prohibiting nuclear weapons as a necessary step toward their elimination is the best option on the table right now. This is not about walking away from the NPT. If the NPT falls apart, that will be because of the choices nuclear-armed states have made over the past half-century to shirk their responsibilities on disarmament. Instead, the TPNW is about trying to live up to the NPT objective of achieving and maintaining a world free of nuclear weapons, of creating the “conditions” that will help facilitate an end to the nuclear arms race and the total elimination of all nuclear weapons.

Recommendations

- All states should sign and ratify the TPNW.
- Nuclear-armed and nuclear-supportive states should undertake and report to NPT meetings on actions undertaken that are consistent with achieving and maintaining a nuclear weapon free world per article VI. This could include ending modernisation programmes, initiating timebound verified programmes to eliminate nuclear weapons, increasing dismantlement of nuclear weapons, ending all forms of nuclear testing, stopping the production and elimination existing stocks of weapon-usable materials, removing nuclear weapons from security doctrines, increasing transparency about nuclear weapons and delivery systems, etc.
- Non-nuclear-armed states should raise concern with the lack of progress in implementing article VI of the NPT and achieving nuclear disarmament.
- States should call for recognition in this review cycle's outcome of the positive relationship between the NPT and the TPNW.

Gender

As with other types of weapons, nuclear weapons have gendered impacts.

Women face unique devastation from the effects of the use of nuclear weapons, such as the effects of radiation on reproduction and maternal health. In some communities where testing has

occurred, the cultural habits and responsibility of women have put them at greater risk of exposure. Studies show that women are more vulnerable to ionising radiation than men and pregnant women exposed to high challenges related to how they are treated in societies and communities.

They are often stigmatised or shut out.

In spite of international agreement on the importance of women's participation in decision-making, there continues to be noticeable disparity in the level and volume of participation of women, men, and others in disarmament and arms control discussions, negotiations, and processes. Reaching Critical Will, when posting statements delivered in conferences on its website, always notes the sex of the person delivering the statement. This reveals consistently a striking pattern of a lack of gender diversity in speaker selection and related seniority.

During the 2017 NPT Preparatory Committee (PrepCom), a growing number of states parties called for improving women's participation in nuclear disarmament and in their statements to the plenary. Some also spoke about the gendered impacts of nuclear weapons use and testing.⁴⁷ A side event, organised by the governments of Ireland and Sweden, presented new research showing that women's participation in NPT meetings is lower than in other multilateral forums.⁴⁸ Ireland further submitted a working paper on "gender, development, and nuclear weapons"⁴⁹ and Thailand reiterated the need to incorporate gender perspectives on nuclear disarmament in the work of the NPT and not only increase the

participation of women.

As a reflection of the statements made on this subject, the PrepCom Chair included in his factual summary a recommendation to increase women's participation as a way to strengthen NPT review process (paragraph 135), and a more in-depth reference to diversity in paragraph 7.⁵⁰ This latter paragraph reflects that states parties "emphasised the importance of promoting the equal, full and effective participation of both women and men in the process of nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy." The summary noted that states parties "were encouraged, in accordance with their commitments under United Nations Security Council resolution 1325, to actively to support participation of female delegates in their own NPT delegations and through support for sponsorship programs."

The inclusion of a gender perspective in work on the NPT and nuclear disarmament more broadly can highlight gendered understandings of war and peace, disarmament and armament, strength and weakness, all of which dictate what is considered "acceptable" by the dominant discourse in such conversations. It challenges the established pattern of power relations, thereby moving the disarmament agenda forward.

Recommendations

- States and organisations must ensure gender equality and diversity on their delegations to the NPT Preparatory Committee at all levels, as well as in panels at side events or other meetings.
- Break patterns of male over-representation in delivering conference statements.
- Incorporate gender analysis and awareness to work on the NPT and nuclear disarmament in national policies, practice, and communication on the subject.

Endnotes

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