



NUCLEAR BAN DAILY



Reaching Critical Will

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AND THE TEXT GOES TO TRANSLATION

Ray Acheson | *Reaching Critical Will, Women's International League for Peace and Freedom*

High drama unfolded on Wednesday afternoon as debate erupted over the draft treaty's withdrawal provision. After a full day of states reading into the record their positions on various aspects of the text without anticipation of changing that text, it was surprising—and welcome—to see a concerted effort to remove the extremely problematic language on withdrawal. Even though the campaign to remove this provision did not achieve this result, it was nevertheless a successful effort to demonstrate without a doubt that the intent of negotiating states is that this treaty is a categorical rejection of nuclear weapons and that there are no “supreme interests” or “extraordinary events” that could ever override that.

The idea that there are circumstances in which the development, acquisition, use, or support for the use of nuclear weapons would ever be justifiable is anathema to the treaty. A few states tried to argue that these would not be the main reasons why a state might want to withdraw from a treaty banning nuclear weapons, but it is very difficult to see what other reason there might

be. Proving a political point against nuclear-armed states not joining the treaty, for example, would not be a compelling reason to withdraw, especially given that this treaty is being negotiated and will (hopefully on Friday) be adopted without them anyway.

This understanding that the treaty represents the complete rejection and outlawing of nuclear weapons is why the majority of states participating in the debate on Friday made it clear that the offending language in article 17(2) should be removed. The language says that each state party shall “have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country” (emphasis added). There are so many things wrong with this provision. First, it is embedded in a regressive notion of state security. How would acquiring or using weapons to commit genocide contribute to security? Second, it is completely subjective. A state may essentially decide for itself what constitutes extraordinary events or its supreme interests. Third, it runs counter to the

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Podium in Conference Room 1, 5 July 2017. Photo © Clare Conboy

Editorial, continued

humanitarian purpose of this treaty, which is to prohibit nuclear weapons for all on the basis of their catastrophic consequences.

The key ask of states objecting to this language was to remove the withdrawal clause altogether. They wanted to eliminate paragraphs 2 and 3 from article 17 and keep the article focused just on the duration of the treaty. This would not have explicitly indicated that withdrawal was prohibited, but instead would have meant that the Vienna Convention on the Law of Treaties would have applied. This in turn would mean that states wanting to withdrawal would need to prove that the intention of states parties was to allow withdrawal from the treaty. This is an extremely strong position against withdrawal, as, particularly after today's debate, that may have been difficult to prove. Another "fix" would have been to just have a simple withdrawal provision that did not say anything about supreme interests or extraordinary events and just reflected the right to withdraw, period.

However, while neither the language nor the entire provision was removed, the brilliant appeals from Palestine and South Africa are in the public domain, as is the clear majority support they garnered from states in the room. Also on record is the enthusiastic applause that broke out when the President acknowledged this majority view and moved to remove the offending paragraphs from the text. She had support to do so; the minority of Algeria, Bangladesh, Egypt, Iran, Philippines, Sweden, and a few others caused her to try to get agreement on the text as it stood. In the end, the states calling for the removal of the withdrawal provision let it pass, making their priority the adoption of the treaty on Friday.

This says something about the different approaches of those negotiating this treaty. Some states continue to frame their efforts and this treaty in the context of what they see as their "security" interests, putting those perceptions above the majority perspective. This is remi-

niscient of the states not in this room, as states that want to retain nuclear weapons. It isn't consistent with the objective or the spirit of this treaty. Meanwhile those states that did their utmost to ensure the integrity and consistency of this treaty with its own principles were willing to compromise in order to achieve the greater good. They would rather see the adoption of this treaty on Friday than risk losing it all over one paragraph.

While we applaud their efforts, it is important to remember that nothing in article 17 affects or undermines the prohibitions in article 1. Nuclear weapons are still prohibited. This treaty still has a strong, irrefutably humanitarian purpose and focus. All disarmament treaties include withdrawal provisions, so it is nothing special that this one does. The particular language in this treaty is unfortunate, and is the result of carelessly carrying over inappropriate language from other agreements. But at the end of the day, this language can do nothing to change the fact that if this treaty is adopted on Friday we will have banned nuclear weapons. We will have established a framework for the elimination of nuclear weapon programmes—the warheads, the materials, the delivery systems, the facilities. We will have grounded our efforts in the recognition of the disproportionate impact of nuclear weapon activities on indigenous peoples, the gendered impacts of these weapons, the catastrophic harm to the environment, and the suffering of hibakusha.

The text of this treaty has now passed this review and will be sent to translation to be written into the six official languages of the United Nations. On Friday, states will be asked whether they wish to adopt this treaty. This is the moment we have worked for over so many years. It is a truly collective achievement that has great moral and humanitarian weight and no matter our concerns with this or that particular aspect of the text, it is time to come together once more and bring to life our treaty banning nuclear weapons. •

When	What	Where	Who
08:00	Morning Inter-Faith Vigil	Isaiah Wall	Humanitarian Disarmament Interfaith Working Group
09:00-09:50	ICAN campaigners meeting	CR B	ICAN
10:00-13:00	Plenary	CR 1	
13:15-14:30	Exploring the Psychological Dimensions of Nuclear Weapons	CR B	Psychologists for Social Responsibility



DISARMAMENT EDUCATION—FOR A TRULY UNIVERSAL TREATY

Hayley Ramsay-Jones and Kimiaki Kawai | Soka Gakkai International

As Friday, 7 July is only one day away and the treaty to legally prohibit nuclear weapons is almost upon us, it is perhaps a moment to contemplate what will make the treaty truly universal.

Preambular paragraph 23 of the draft text refers to disarmament education: "Recognizing also the importance of peace and disarmament education in all its aspects and of raising awareness of the risks and consequences of nuclear weapons for current and future generations, and committed to the dissemination of the principles and norms of this Treaty." It is also significant that the last preambular paragraph stresses "the role of public conscience in the furthering of the principles of humanity." Disarmament education is essential to the achievement of the objectives of this treaty, as awareness-raising for the public will help underpin and maintain the principles and norms of this treaty globally.

The current momentum for the prohibition of nuclear weapons owes much to the international conferences on the humanitarian consequences of nuclear weapons. These conferences were vital occasions for learning about the catastrophic impacts that would result from any use of nuclear weapons and for dissemination of the facts of these realities to a broad international audience. A heightened understanding of the inhumane nature of nuclear weapons—among decision-makers, military personnel and the general populations of both nuclear-weapon and non-nuclear-weapon states—has provided an important background to the process leading to the negotiating conferences. In this sense, learning and education have been central to this treaty and will need to continue to be so, if states are to implement it.

Norms promotion and disarmament education could promote the dissemination of accurate knowledge about

inter alia: the impact of any use of nuclear weapons on human health, in particular for women and girls; the viability of human societies and states, irrespective of whether or not these states possess nuclear weapons; the grave threat nuclear weapons pose to the global environment; the uncertainties and risks of the unintentional or accidental use of nuclear weapons; the dangers of nuclear terror and acquisition of nuclear materials by non-state actors; and the global opportunity cost of maintaining and modernizing nuclear arsenals.

In addition to such risk education, programs and efforts could also address the need for diversity in participation and examine the gendered dimensions of nuclear weapons as well as other forms of injustices. Moreover it could also promote accurate awareness of the history of disarmament efforts, both bilateral and multilateral, as well as the contributions of civil society in these achievements. Such education would serve to promote the goal of building a global culture of peace.

Such efforts could further strengthen and maintain a world free from nuclear weapons as a universal goal and vision rooted in the principles of humanity and activating the public conscience of people everywhere.

"Education is the most powerful weapon which you can use to change the world," said Nelson Mandela. Norms promotion and disarmament education could enhance the salience of nuclear weapons prohibition as a realistic prospect and viable political option in societies where that is not currently the case. In this sense disarmament education is the tool for generating the kind of broad-based public discourse that will be essential if the difficulties on the path to the full implementation of the treaty are to be overcome. •

Praying the treaty?

In a way Article 1 (a & d) has already entered-into-use. It was offered at Wednesday's Interfaith Vigil: "Each State Party undertakes never under any circumstances to develop, test, produce, manufacture, otherwise acquire, possess or stockpile...use or threaten to use nuclear weapons or other nuclear explosive devices." In the bright morning light the words became a kind of prayer.

All are welcome at the Interfaith Vigils, 8:00-8:15 a.m. Thursday and Friday, 6-7 July, at the Isaiah Wall (1st Ave. between 42nd and 44th St.).



LOOKING FORWARD AND LOOKING OUTWARD

Dr. Natalie J. Goldring | Acronym Institute for Disarmament Diplomacy and Georgetown University

Non-governmental organizations (NGOs) working at the UN provide strategies and expertise, engage with governments, submit proposals, monitor and analyze statements, and do related media work. Unfortunately, for dozens of NGO representatives to the conference to negotiate a nuclear weapons ban treaty, the chairs reserved for our countries' representatives are empty. This piece considers issues resulting from these countries' absence and suggests a framework for considering ways forward after the treaty conference. It uses the United States as a test case, in part because I'm an American and in part because the United States is one of the more challenging cases. The issues and policy options highlighted in this piece are likely to be applicable to governments and civil society in other States as well.

The absence of the "nuclear nine"

The nine states with nuclear weapons are boycotting the meeting. In a meeting with campaigners, one diplomat even admitted that this boycott is an attempt to rob the process of its legitimacy. The more than 125 countries that are in the room are moving forward without them; by their absence, the nuclear-armed states are reducing the likelihood that negotiators will address their concerns. Even so, as we look toward agreement on a treaty on Friday, it's important to keep these states in mind.

Lessons learned from countries not in the room

At a side event organized by the Acronym Institute and the UK's cross-party Parliamentary Campaign for Nuclear Disarmament on "Prohibiting nuclear weapons: Democratic strategies to take forward and implement the nuclear ban in nuclear-armed and umbrella states," earlier in the conference, members of Parliament from the United Kingdom, the Netherlands, and Germany, and a former member of Parliament from the Netherlands addressed issues resulting from the absence of the nine nuclear-armed states. The panelists also discussed lessons learned from other campaigns involving these states. They had numerous useful suggestions focused on the need to engage with elected representatives, for which it is also essential to educate and mobilize the public. They pointed out that policy on these issues has been changed as a result of public and parliamentary pressure in many countries, and stressed the need for continuous work to educate the media on security and disarmament issues.

The special challenge of the United States

It's an understatement to say that the political environment in the federal government in the United States is not conducive to signing or ratifying this new treaty banning nuclear weapons. Most distressingly, the people of the United States have a president who has asked why we have nuclear weapons if we're not going to use them.

As outlined below, however, it is still possible to build awareness and lay the groundwork that will enable more progress once we change that political environment. Similar paths are likely to be available to members of civil society and to parliamentarians in other countries with nuclear weapons.

Need to increase public awareness

Public awareness of these negotiations is minimal in many countries, and the United States is no exception. At the side event, one participant quipped, "I think every American who knows about this work is here in the building." While that is certainly an overstatement, it does highlight the lack of public understanding of the prospective treaty. During past arms control and disarmament negotiations, grant-making foundations in the United States have sponsored speaking tours in which NGO analysts and academic experts fanned out across the country to speak with community groups, increase understanding of the treaties, and build public support for their ratification and implementation. That approach could be a useful precedent for programs to increase public awareness of the nuclear ban treaty.

Prospects for increasing local advocacy

In recent months, we've also seen positive results in the United States from public advocacy approaches focusing on increasing local advocacy. For example, at this writing, approximately 300 US mayors have signed pledges to continue to observe the Paris agreement on climate change, despite President Trump's announced intention to withdraw from the agreement. Similarly, local-level activities in opposition to proposals to dismantle the Affordable Care Act ("Obamacare") have helped block these proposals by making constituents' perspectives clear to their representatives.

Encouraging legislative leadership

We also need to work to encourage our elected representatives to be more ambitious in their policy proposals. One of the most ambitious proposals in Congress would cut \$100 billion from the nuclear weapons budget over the next decade, for example. That is a promising start, but it's not designed to set us on a path toward nuclear disarmament. We need to develop more champions in Congress and educate more members of Congress on these issues.

Creating broad coalitions

One issue that deserves additional attention is the need to conduct more effective outreach to organizations that are not normally an automatic part of our

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Looking forward, continued

coalitions. For example, during the Arms Trade Treaty negotiations, faith communities were a key part of the US coalition seeking a strong treaty. The National Association of Evangelicals, which represents more than 45,000 local churches, was an important partner in mobilizing public support for the treaty.

Creating the pre-conditions for ratification

For now, the task is to create the pre-conditions for ratification when there is a more favorable political

environment. The American public generally seems to be more receptive to arms control and disarmament proposals than its Congress, providing a basis for progress even with the unfavorable political climate at the federal level.

It's also important to think long term. Although the treaty may well be approved this week, its implementation will take place over a significant period of time. This is a marathon, not a sprint. •

NEWS IN BRIEF

Allison Pytlak | *Reaching Critical Will of the Women's International League for Peace and Freedom*

The president opened the conference by explaining that her intention is to arrive at a final draft treaty that that will be distributed at 09:00 on Thursday for review by governments, ahead of adoption on Friday, 7 July. She emphasised that the text reflects the collective work of all participating states and that, like any agreement, it requires compromise and flexibility. The objective of Wednesday's meeting was to review the draft that was released on Monday, 3 July and agree it, ad referendum.

Process

- Argentina, Egypt, Netherlands, and the Philippines raised questions about the process and purpose of Wednesday's meetings. Egypt asked for clarity on how the comments they have received from their capital on the draft text will be incorporated and if the purpose is to register concerns or if the possibility of making amendments remains.
- The President explained that she would like to read the revised text article by article in order to agree the treaty, ad referendum, on Wednesday. She said there may be the possibility of discussing specific concerns but urged states to bear in mind the time restrictions. She referred to the document as the "sum total" of the discussions had over the last few weeks. While she was open to consulting on pending technical matters, all of these issues have been discussed thoroughly from a political and normative perspective.
- At the start of the afternoon meeting, she clarified that she was not re-opening the text for negotiation unless there appeared to be a majority view in support of a substantive change.
- Cote d'Ivoire asked when the translated versions will be available, and where and when the treaty will be

adopted. The president said that translations will be ready Thursday, and that the approved draft programme of work calls for adoption on Friday.

- Palestine said it understands that when there is a strong majority view to keep the text as is, and then it should be maintained. But if there is a strong majority view to change it, they hope it will be duly considered.

Preamble

- Egypt noted that it, along with many others, had asked for a re-drafting of PP19 to reflect that the CTBT has not yet entered into force. Later in the meeting Egypt said it will go along with the general agreement on the preamble and not push further, but wanted to register its concern.
- Netherlands said that it is not in a position to support the preamble, feeling that it is not in line with the advisory opinion of the ICJ. The current format of the draft treaty seems to supersede, rather than complement, the NPT. Netherlands also referenced two proposals it would like to make for the preamble to reaffirm the commitment of states parties to the NPT.
- Kazakhstan said it has no objection to the preamble but would like to add the words "and victims of nuclear testing" after the reference to hibakusha.
- Palestine still concerned with the language relating to the freedom or sovereignty of states that have nuclear weapons, but in order to be constructive will not oppose it, believing in the responsibility of the conference to hibakusha and all humanity.
- Austria said that the preamble reflects the broadest possible denominator, and would like to maintain the language as it stands.

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News in brief, continued

- Brazil said that each delegation would naturally write a different version of the treaty, but the goal is to find convergence. It would want to tweak it in places to but will support the text as it is because to open it now will jeopardize its adoption.
- Iran said that the preamble has been improved in the way that it addresses all aspects of the catastrophic humanitarian effects of nuclear weapons, but it lacks a declaration that any use is a crime against humanity. Iran also asked to have on the record that it views the non-reference to threat of use in the preamble as another shortcoming.
- South Africa said that it too would have liked to see much more included but understands the need for discipline, and accepts the document.
- Ireland feels the preamble is broadly reflective of the deliberations. There are always other issues it would have wanted to see added or refined, but supports it.
- Chile agreed it is important to “bring our ranks together” toward the goal of the conference.
- Liechtenstein accepted the draft preamble.
- Nigeria said that it is not completely happy with the phrasing of PP18 but can live with it.
- Cuba stated that it would have liked the preamble to include a paragraph in which it would indicate the need to strictly respect environmental standards when implementing the treaty, and that PP19 should have referenced the entry-into-force of the CTBT as noted by Egypt. They will not insist on this however, unless discussions are re-opened.
- Indonesia said would prefer a stronger preamble, including some of what has been mentioned by Cuba and others, but will accept it as it stands.
- Colombia said it regretted that its proposal regarding the NPT was not included in the preamble.
- Netherlands repeated for the record that it does not support the preamble and made a general reservation on the entire text.
- Bangladesh support the reference to indigenous peoples, but wants to make the point that this is the name given to groups of people that are recognized as such, with distinct status. It is pleased with the paragraph on peace and disarmament education, although would prefer to see an observance for the International Day for the Total Elimination of Nuclear Weapons.

- Holy See said that the preamble charts a positive course, but will submit two changes to the secretariat for the record.

Article 1

- Iran, Guatemala, Ecuador, Cuba, Peru, Kazakhstan, and Nigeria said they would have liked include a prohibition on transit.
- Iran prefers to have all types of testing specifically prohibited.
- Thailand, Ecuador, and Kazakhstan would have liked to see references to military planning.
- Thailand requested the secretariat to have on the record that it understands jurisdiction or control to also include the continental shelf.
- Netherlands registered its continued concern with the lack of definitions on the prohibitions and reiterated that the draft article is not likely to be compatible with its NATO commitments.
- Ecuador said it would have preferred to include a prohibition on financing, but believes that financing and transit are both implicitly covered by “assistance” and that article 5 applies to financing.
- Switzerland said it is very concerned about the inclusion of “test” under 1.1(a). It does not want to block agreement but will have to come back with more detail in the context of article 18. Switzerland asked to have on the record that the treaty has to guarantee the inalienable right to peaceful uses of nuclear energy. It said that military cooperation will not be affected by treaty obligations if it they are undertaken with the belief that the operation will not contravene the treaty.
- Malaysia said it can accept what is in the text because it sees the treaty as a whole as legally sound, feasible to implement, and sending a powerful message that nuclear weapons are prohibited.
- Guatemala is pleased with the inclusion of threat of use.
- South Africa says the draft is a ‘delicate balance’. Cannot see how to ask for things to be added now without complicating it further.
- Cuba will interpret transit to be covered by assistance, and would like this noted in the conference records. It is satisfied that the most recent language on testing is improved from earlier drafts. It understands that a prohibition on testing covers all kinds

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News in brief, continued

of testing, including those that take place through non-explosive means.

- Peru is pleased to the inclusion of threat of use. It would have liked to have also seen financing included, and understands transit to be covered by assistance.
- Kazakhstan stated that the treaty should have included sub-critical testing.
- Ghana is pleased to see testing included.
- Nigeria believes that the prohibition on testing covers various kinds of testing.
- Lesotho is glad to see the inclusion of “threaten to use”.
- ICRC welcomed the draft as a strong normative instrument that achieves the three elements they identified as priorities: to recognize and respond to catastrophic humanitarian impacts; be grounded on principles and rules of IHL; and have clear and robust prohibitions.
- New Zealand thinks its useful that states are articulating their interpretive views but does not accept that any individual statement made here that purports to be the view of the entire membership.

Article 2

- Cuba stated that, without prejudice to what is set forth in paragraph 2.1, all states parties will have obligation to declare information pertaining to article 1 obligations.
- Iran noted inconsistent phrasing in regards to “notwithstanding” and “without prejudice”. Its legal experts recommend the latter, to be consistent with the Vienna Convention on the Law of Treaties. For consistency, it also suggested adding “...and other declarations under article 4”.
- Mozambique noted that instead of “notwithstanding” a phrase such as “as a consequence of” or “in light of” could be used.
- South Africa believes that “notwithstanding” means that nuclear-armed states can join and then destroy their arsenals. New Zealand expressed support for this understanding and views this as entirely appropriate and a neutral formulation. It said that there is some tweaking to be done to refer to the correct prohibitions in article 1.
- Iran responded to New Zealand by saying that it is important to be consistent throughout the whole text, and use only one term.

- The President said this issue will be examined.
- Netherlands responded to articles 2-4 as a group, stating that declarations cannot be used as base-lines. They may enhance transparency but do not provide a strong level of assurance. It said that article 3 ought to have a higher verification standard, and feels that while article 4 has been improved it would be better to keep this article short and flexible, in order to avoid prescribing now for situations that we cannot predict.
- Palestine said it understands that declarations must cover the full range of activities included in article 1.
- Mozambique registered its full support to the whole text. It underlined that the proceedings have been well conducted; advised that everyone be listened to and all views taken into account.
- South Africa said that it can live with draft articles 2-4. It believes that these paragraphs anticipate future possibilities.
- Netherlands said again that it cannot join any article ad referendum at this stage.

Article 3

- Argentina proposed to change the reference in article 3.1 to the NPT safeguards obligations, asking that the president remain open to further amendments.
- Switzerland regrets it was not possible to include a provision encouraging states parties to adhere to existing safeguards, as all states have agreed to this in other fora.

Article 4

- Colombia said that 4.2’s reference to a “competent authority” points to the importance of verification.
- Thailand said the title of the article should be “Total elimination of nuclear weapons”.
- Philippines said it is important to not create something just for the sake of creating something, and warned against creating a “Frankenstein” to deal with in the future.

Articles 6 and 7

- Kazakhstan suggested victim assistance should be expanded to include those who are affected by uranium tailings.
- Egypt noted that its proposal to acknowledge user responsibility has not been included despite having

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News in brief, continued

been supported by many other states as well as civil society organisations. It said that omitting it weakens the article. This was supported by Palestine, Cuba, Viet Nam, Iran, Thailand, Fiji, Philippines, and Indonesia.

- Iran and the Philippines noted that only a decision about using the word “primary” or “fundamental” had remained. Philippines suggested to resolve this they propose not using either word and just referring to “the responsibility”.
- South Africa said that it believes these comments are being made to point out that agreed language was overlooked when preparing the most recent version.
- The President said that the text of article 6 is a full and accurate reflection of what was submitted by the working group. This means that some of the issues being raised actually relate to article 7.
- Chile agreed that this paragraph must be reinstated in article 7.
- Brazil said it did not participate in the working group, but recalled that during the plenary debate on this issue it was in agreement to this reference to the responsibilities of users with respect to victim assistance and environmental remediation.
- New Zealand noted that the draft language on this subject only refers to the responsibility of a state party, not states, and said this is regrettable. It also said that responsibilities have already been allocated to other types of states; and that those who have used and tested are not participating so any assistance will only be “illusory”.
- Ireland confirmed that there was a consensus on this language agreed in the group and suggested maintaining the article “a” in front of “responsibility” to address New Zealand’s concern.
- Brazil noted a typo in 6.1 and suggested to “their” not “the”.

Article 8

- Liechtenstein said that article 8 is a good basis to take our work forward but it favoured greater details for what the meetings of states parties (MSPs) would cover, particularly discussion on the subjects of victim assistance and international cooperation. It expects that the first MSP will bring this back into its agenda. It regrets that a mechanism to trigger an automatic meeting in the event of a withdrawal was not established.

- Netherlands is not in a position to join agreement and remains concerned by the mention of “further measures” in 8.1; discussions, which they believe, should take place in the context of article 6 of the NPT.
- Egypt said it can go along with current draft article 8 but made a technical point, asking if the reference in 8.1.b to additional protocols remains relevant because of the deletion of former draft article 5.
- Iran suggested that the rules of procedure from this negotiating conference could be used as the rules for the first MSP, until it adopts its own rules. New Zealand, Palestine, and Ecuador supported this. Ecuador noted that the UNGA rules do not facilitate the participation of civil society and this change could avoid dealing with that question in future.
- The president said she will make the corresponding change in the text.
- Switzerland prefers more focused language here to avoid a situation that opens the door to discussing a broad range of disarmament issues at future MSPs that could possibly undermine other instruments. It also said that this article should clearly state a reference to reviewing cases of accession by nuclear-armed states, which cannot be captured by article 4.
- New Zealand would not support a reference to rules governing other treaties.
- Netherlands reiterated its suggestion to delete 8.1(b).
- “Six years” will be changed to “five years” in reference to the first review conference.

Article 10

- Ecuador said that 90 days seems too short a duration for amendments to be considered and said that all states parties should have the opportunity for a proposed amendment to be reviewed at an MSP, which may or may not fall within the 90-day window. It does not want to prevent agreement on this article on this point, however.
- Malaysia responded to say that this is provided for in article 10.
- Thailand requested clarity on 10.2 and if decisions will be taken by all states parties, or those present and voting.
- Iran responded to say that this was not decided on, but that it should be a majority of states parties.

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News in brief, continued

Article 11

- Iran suggested deleting the reference to a time line in 11.2.
- Liechtenstein said that this was not finalized because there was not enough time in the working group.

Article 13

- The president said that this should be amended to read "...from 20 September".
- Cuba agrees that having a date is important but that there was not consensus on date itself. If it is now being changed, it would prefer 26 September 2017.
- Netherlands noted that there is a need for a report to the UNGA from this conference assessing progress or the way forward, as mandated by the resolution establishing the conference, and asked if there are plans in place for this. The president said this conference will report on whatever happens.

Article 14

- Iran noted that that it should be worded to reflect that the treaty is open for accession after entry-into-force.
- The president said that this is from a proposal raised, to have the treaty permanently open for signature. It is not an error.

Article 17

- Chile placed on record its national position that it would have preferred to have an article that would not permit withdrawal. The wording as it is now is extremely weak and would have preferred that this be governed by the Vienna Convention on the Law of Treaties (VCLT). Chile said it will not block consensus on this issue.
- Palestine said that this provision in its current format weakens the text because language about sovereignty or "supreme interests" implies justifications and reasons to move away from the prohibitions. Palestine said that it believes a majority of states feel the same way.
- Sweden suggested that the second sentence in 17.3 be deleted because it impedes on rights of a sovereign states and presumes the reason for leaving the treaty would be to acquire nuclear weapons.
- Iran said it understands the concerns of Palestine, but reminds it that the state they are concerned

about will never accede to this treaty, so not to worry. Iran proposed the deletion of paragraph 3 to avoid any misunderstanding of the issue of withdrawal.

- Egypt said it feels that the 12-month period removes the sense of urgency that would come along with the extraordinary circumstances. It supports deleting paragraph 3.
- Liechtenstein said that it did not support a withdrawal mechanism and feels the current provisions are insufficient, but will go along with it.
- Ecuador placed on record that article 17 is contradictory to the purposes of the treaty. It would have preferred to not include a withdrawal clause. It will accept current wording, but it is not ideal.
- New Zealand said it would strongly prefer the deletion of paragraphs 2 and 3. If not possible, then it would endorse the amendment to the second paragraph suggested by Palestine. It noted that it is increasingly the feel of the room to do so.
- South Africa would like to delete 17.2 and 17.3 and make this only about duration. Indonesia agreed. Sweden said that this would not be acceptable for them.
- Austria agreed with Sweden's point about the need to maintain a withdrawal option to help the treaty's credibility. It feels that the current draft seems like a middle ground, and could both accept it as it is or to delete 17.2 and 17.3. Guatemala placed on record its position to have this article only pertain to duration, and not withdrawal, but will not break consensus over it.
- Palestine took the floor a second time on this article to say that the states who are in the room are here to send an unequivocal message to the world that the time for nuclear weapons is over. Allowing for withdrawal undermines that signal.
- Ghana said it believes that withdrawal is inconsistent with aims of treaty, asking, why else would a state withdraw? It suggested deleting the entire article.
- Egypt argued again that the right to withdrawal must be maintained and suggested maintaining 17.2 only, and deleted 17.3. Switzerland and Iran agreed with this.
- Bangladesh said prefers to keep a provision on withdrawal, but can be flexible on the wording in 17.3.

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News in brief, continued

- Chile reiterated that para 2 is weak and superficial. It also suggested keeping all or nothing.
- The President then asked if the conference would like to remove paragraphs 17.2 and 17.3. Applause broke out.
- Algeria agreed with Iran, Egypt and others to maintain right to withdrawal. It stated that it prefers the deletion of 17.3 and amendments to 17.2.
- South Africa disagreed that there was enough agreement in the room to keep withdrawal in and suggested to remove the entire paragraph, allowing the VCLT to be the basis.
- The Philippines noted that there was unanimity in keeping 17.1 and 17.2, and that the discussion centered most on 17.3. It proposed the retention of those first two articles.
- The President decided that ultimately there was not enough support in the room to modify any part of draft article 17.

Article 18

- Switzerland said there is a need to clarify the wording to ensure that a hierarchy is not created between treaties. It suggested deleting the last eight words.
- Argentina, Singapore, and Sweden could support this.
- Netherlands recalled the first session in March when states affirmed that this treaty should complement and reinforce the NPT. It feels that the language of article 18 is not compatible with this goal and creates "parallel machinery".

- Sweden emphasized that the complementarity with a big reason why it joined the negotiations, but feels now that this intention has been eroded.
- Argentina said that the conference is meant to be considering a text that is been composed of reports from diverse working groups, but noted that there are some paragraphs that are brand new, and others that were "lost along the way".
- Chile said that it is complementary. The main goal is to preserve international peace and security – this treaty is not hierarchically below others. It believes that it will contribute to overall regime and must be seen as part of something larger.
- South Africa stated that this text was built on basis of discussions that were intense and robust. It will not suddenly "flee" the NPT.
- Brazil said it cannot live with an incomplete provision and the deletion of the last eight words.
- Palestine said that deleting these words would open exceptions to the provisions in article 1.
- Austria said it is of great importance that this treaty complements nuclear architecture and not take away from the obligations of that agreement. If we take those last words away, we will have a problem in future with treaties not yet created.
- Netherlands made a specific reservation to this article and said it cannot support it in its current form.
- Sweden said it will report back to its capital the feelings of the conference on this issue, as well as on article 17. It cannot guarantee what the response will be. •

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