



NUCLEAR BAN DAILY



Reaching Critical Will

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Nuclear Ban Daily is produced by Reaching Critical Will, the disarmament programme of the Women's International League for Peace and Freedom (WILPF) during meetings related to the UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their elimination, taking place 15 June-7 July 2017. The views expressed in this publication are not necessarily those of WILPF.

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LIVED EXPERIENCE AND THE NUCLEAR BAN

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

Indigenous and women's rights took centre stage on the opening day of the nuclear weapon ban treaty conference on Thursday. Sound familiar? No? That's probably because you're used to all those other multilateral nuclear weapon meetings where a lot of white men talk about how nuclear weapons afford "security" and "stability"—as if security and stability have nothing to do with the lived experience of human beings who have suffered from the production, testing, and use of nuclear weapons for generations. The nuclear ban, as a process and a treaty, is changing that.

First of all, the treaty itself is grounded in lived experience. The three conferences on the humanitarian impact of nuclear weapons hosted by Norway, Mexico, and Austria from 2013–2014, from which this treaty is derived, focused on the ways that nuclear weapons destroy bodies and devastate the environment.

Second of all, indigenous experiences and gender perspectives have been woven into the discourse of this treaty-making process from its origins. Survivors from nuclear testing and minor trials in Australia and the Pacific Islands have been actively present at every meeting related to the nuclear weapon ban treaty, from the humanitarian impact conferences to the open-ended working group in Geneva to the 2016 UN General Assembly's First Committee to the negotiations themselves. Women and people of sexual minorities from around the world have been leading many of the most prominent civil society organisations working for the nuclear ban, and have been active in several government delegations championing this cause.

There have been concerted efforts throughout this process, particularly from civil society, to highlight the inherent intersectionality of disarmament, gender, racial justice, and economic justice issues, and to

integrate these issues firmly in the nuclear ban process. This has been incredibly important for the credibility of this process. Governments and civil society alike have been relentlessly confronted with accusations of "exclusivity" in the development of this treaty. In reality, this is perhaps the most inclusive process related to nuclear weapons that the United Nations has ever seen. Everyone is allowed to participate; the fact that certain states (mostly rich, white, Western states) have chosen not to has in many ways created more space for the voices of the global south to be heard rather than stifled. It has also created more flexibility when it comes to the participation of civil society—which for the most part so far in this process has been extremely active and welcomed.

This is not to say the process is perfect. We are still missing the active participation of many consistently underrepresented ethnic groups. Civil society organisations working on this issue still tend to be predominantly white and Western. In addition, men continue to dominate the conversation—especially on the government side. Of 95 interventions delivered by governments on Thursday, women delivered only 23. That's only 24 percent—less than one quarter. 35 delegations spoke on Thursday; of these only 12 had a woman deliver at least one of their interventions. That's only 34 percent.

This persistent problem is what lies behind the suggestion from a number of delegations to include language in the nuclear ban preamble not just about the physical impacts of nuclear weapons on women's health but also the need for women's effective and equal participation in disarmament forums. Whether this language draws upon language from UN Security Council resolution 1325 on women, peace and security or UN General Assembly resolution 71/56 on women, disarmament, non-proliferation and arms control, or from the 2017 Non-

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Editorial, continued

Proliferation Treaty chair's factual summary (which encouraged states to actively support the participation of women in their delegations and through support for sponsorship programmes), the nuclear ban treaty must say something—and do something—about the serious underrepresentation of women in nuclear disarmament.

It is also imperative that the treaty accurately reflects the gendered impacts of nuclear weapons. While welcome, the current language in the preamble does not sufficiently reflect the myriad of ways in which the production, testing, and use of nuclear weapons disproportionately impacts women. Health effects from ionizing radiation are acute, but more broadly, women are also more susceptible physically to absorb radiation and socially to be exposed to it. There are also ways in which social stigma around exposure to radiation has uniquely affected women and girls.

While the draft treaty at least tries to address this issue in relation to gendered impacts, it is currently silent on the disproportionate impacts on indigenous communities. In many places, due to racist and colonial policies and attitudes, indigenous communities have borne the brunt of nuclear experimentation. There have been well over 2000 explosive nuclear weapon tests, as well “minor trials,” at more than 60 locations around the world since 1945. Today, these sites continue to face

persistent radioactive contamination. The tests have also irradiated downwind and downstream communities, increasing the risk that their people will one day develop cancers and other chronic diseases as a result. In many cases, those residing near test sites have been permanently displaced from their homes. Uranium mining, nuclear weapon production facilities, and nuclear waste storage sites have also historically impacted indigenous communities disproportionately, due to targeting of politically disenfranchised communities.

This is why it's so important for the preamble to recognise the disproportionate impact of nuclear weapons on indigenous communities around the world. As with gendered impacts, impacts on indigenous communities is vital for ensuring that victims and survivors are afforded appropriate assistance, for understanding their place in the nuclear legacy, and for further motivating the prohibition and elimination of nuclear weapons.

At the end of the day, as the Indonesian delegation stressed on Thursday, it's important for the nuclear weapon ban treaty to delegitimise nuclear weapons as an object and nuclear deterrence as a concept. The recognition and reflection of the horrific, discriminate, disproportionate impacts of these weapons on women and indigenous peoples will help achieve this objective. It's for humanity, and for our shared planet, that we ban nuclear weapons. •



NEWS IN BRIEF

Tamara L. Patton | Program on Science and Global Security, Princeton University and Allison Pytlak | RCW-WILPF

The News in Brief may not capture every proposal or position but provides an overview of the discussion.

General remarks

- A large number of delegations expressed their views that the draft constituted a good start and a solid foundation for continued discussions and improvements over the coming session. States also expressed their desire to reach agreement by 7 July.

Other agreements

- Austria noted that this treaty must fit into the overall architecture of disarmament agreements and is the “missing piece”.
- Netherlands said the draft contains items that are incompatible with NATO policy and that it lacks any commitments to international stability and security. It also said it could not sign anything that is incompatible with NATO obligations, undermines the NPT, or lacks strong verification.
- ASEAN called for engaging the lessons and experience of the IAEA and CTBTO in sharing technical knowledge and competence.
- ASEAN would like a reference that accounts for the three pillars of the NPT.

Prohibitions

- New Zealand suggested a bifurcation of article 1 and article 2 and whether it might not be preferable to combine into one set of obligations, and suggested that article 3 safeguards should be used to ensure compliance with article 1 prohibitions.
- Egypt said the treaty shouldn’t just prohibit use of nuclear weapons but also express concern about the inclusion of nuclear weapons in military doctrines.
- Iran suggested the prohibition on testing should fill the CTBT’s gaps, noting its lack of provision on computer simulation nuclear testing.

Safeguards, compliance, and accession

- Egypt said the treaty should not create duality or unnecessary new obligations, particularly in relation to safeguards.
- Iran said we can’t afford to have half measures on elimination and verification, and that given time constraints, we should focus on the prohibitions.
- Liechtenstein noted the complexity of the safeguards process addressed in articles 2-5, which are crucial to this process.

- New Zealand said that it felt that the process envisaged in article 5 is a viable route but requires more detail.
- South Africa said that nondiscriminatory provisions are needed to allow nuclear-armed states to join while they eliminate weapons in a specified time frame, as addressed in article 5.
- New Zealand noted that no barrier should be in the treaty to work against its potential universality and ultimate achievement of a nuclear weapon free world.

Other issues

- Ireland noted that nuclear disarmament is closely interlinked with other issues, including health, climate change, and migration, and is an important part of addressing broader challenges.

Title issues

- Austria, Mozambique, Nigeria, and South Africa supported referring to the instrument as a treaty rather than a convention. South Africa specified that this would help distinguish the instrument from a Nuclear Weapon Convention and would align it with the NPT, CTBT, and NWFZ treaties.
- Cuba suggested adding “...leading toward their total elimination” in the title, so as to reflect its content and the mandate of the resolution that established this process.
- Liechtenstein and New Zealand would like to keep the title short and simple.

Preamble

Preambular paragraph 1

- Cuba and Iran would like to see this reworded to make the goal of elimination more specific. Cuba suggested replacing the phrase “make every effort” with “completely eliminate them to ensure that nuclear weapons are never used again under any circumstances”; and also suggested to modify it as follows: “Convinced that nuclear disarmament and the total elimination of nuclear weapons are the only absolute guarantee against the use or threat of use of nuclear weapons”.
- Liechtenstein suggested added “unacceptable” after “catastrophic”.
- Switzerland, supported by Liechtenstein and Indonesia, suggested mentioning risks of intentional, accidental, and miscalculated use of nuclear weapons.

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News in brief, continued

- Egypt encouraged a reference in PP1 to express concern with the “continued existence” of nuclear weapons, which was supported by Brazil, and to adjust the opening of the paragraph to read, “Gravely concerned with the continued existence of nuclear weapons and the catastrophic humanitarian consequences...”.
- Austria suggested a new paragraph based on language taken from the joint declaration on the humanitarian consequences of nuclear weapons, which as supported by 130 states. This was supported by Brazil, Mexico, and New Zealand.
- Kazakhstan joined other states in calling for inclusion of language about the importance of nuclear elimination in the preamble.
- Sweden suggested referring to UN Security Council (UNSC) resolution 1325, which reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, and peace-building, among other things. Venezuela, Iran, Egypt, and Ecuador expressed concern with directly referencing a UNSC resolution. Sweden responded with rephrasing to include relevant language without reference to the resolution. Ecuador and Brazil noted that UN General Assembly (UNGA) A/RES/71/56 on women and disarmament might provide a more appropriate reference.
- Sweden also suggested adding language showing concern over the low representation of women in multilateral disarmament forums.

Preambular paragraph 2

- President suggested changing the gender reference in the preamble to “health of women and girls” instead of “maternal health and girls.” This was supported by a number of states, including Brazil, Lichtenstein, Indonesia, Mozambique, and Mexico.
- Lichtenstein suggested the paragraph should recognise “the disproportionate impact of nuclear weapons on women and girls, including ionizing radiation,” as the impacts are broader.
- Ireland called for language on the need to promote equal participation of women and men in disarmament. Austria also supported widening gender reference to talk about promotion of women’s participation in nuclear disarmament. These ideas were also supported by Nigeria and Mexico.

- Ireland proposed to reference “threat to survival of humanity” using language from the humanitarian pledge. Indonesia, Brazil, Austria, Iran, and Ghana supported this.
- Egypt, with support from Singapore, called for a reference to “health of present and future generations,” rather than just future generations.

Preambular paragraph 3

- South Africa and Ghana supported the proposal made by Brazil to recognise the unacceptable risk of nuclear weapons to civilians and to include a reference to the lack of an ability to deal with catastrophic humanitarian consequences.
- Indonesia, Ireland, and New Zealand also expressed interest in including a reference to the lack of response mechanisms.

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CALENDAR OF EVENTS: FRIDAY, 16 JUNE 2017

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	The nuclear ban and the problem of hosting nuclear weapons belonging to other nuclear states	CR B	Pugwash Conferences
15:00-18:00	Plenary	CR 1	
16:45-18:00	Book launch: <i>Disarming the Nuclear Argument: the truth about nuclear weapons</i>	CR B	FWCC



News in brief, continued

Suggested new preamble paragraphs relating to humanitarian consequences

- Nigeria would like to include a new paragraph recalling that concern about the humanitarian consequences of nuclear weapons has been reflected in numerous UN resolutions, including the first resolution adopted by the UNGA on 24 January 1946. This was supported by Ireland, Brazil, Austria, Philippines, Sweden, and Ecuador. Cuba supported this idea and suggested including mention of these resolutions after current preamble paragraph 7.
- Austria suggested an additional paragraph addressing nuclear risks, which draws on language from the Humanitarian Pledge, i.e. emphasising that the consequences of a nuclear weapon explosion and the risks associated with nuclear weapons concern the security of all humanity and that all states share their responsibility to prevent and use of nuclear weapons. This was supported by New Zealand, South Africa, Brazil, Ireland, and Mexico.
- Ecuador would like to include a new paragraph recognising the disproportionate impact that nuclear explosions have had on indigenous people. This was supported by Austria, Brazil, Venezuela, and Mexico.
- Ecuador and Cuba would like to include a new paragraph on socioeconomic impact, recalling the negative impact that development and modernization of nuclear weapons has on socioeconomic development. They suggested: "Bearing in mind the negative impact of the significant resources that are spent on nuclear weapons programs and reaffirming the need to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development." This idea was supported by Brazil, South Africa, Venezuela, Mexico and Austria, the last of which also suggested adding the element of "maintenance" as a cost factor.
- South Africa would like to include a new paragraph on moral and ethical imperatives, drawing upon the UNGA resolution on this subject. This was strongly supported by Austria, Brazil, Ireland, Costa Rica, Marshall Islands, and Mexico. Sweden did not support this, saying it does not think it is appropriate to refer to a non-consensus UNGA resolution.
- Iran suggested adding a new paragraph declaring also that the use of nuclear weapons is a crime against humanity.

Preambular paragraph 4

- New Zealand suggested adding language reaffirming the obligation of all states at all times to comply with international law, including IHL. New Zealand also suggests adding explicit reference to IHL rules of distinction and proportionately and that a state's choice of method of warfare is not unlimited.
- New Zealand's ideas on PP4, and in particular including a broader reference to IHL, were referenced and supported by Austria, Cuba, Brazil, Malaysia, Ghana, Liechtenstein, Indonesia, Mozambique, Mexico, Nigeria, Sweden, Switzerland, Palestine, and the ICRC. Indonesia agrees there should be balanced reference to all existing IHL.
- Liechtenstein called for specific rules of IHL to be spelled out in PP4.

Preambular paragraph 5

- Iran suggested adding "threat of use" of nuclear weapons, in addition to "use." Thailand, Algeria, Ecuador, Egypt, Brazil, Ghana, Nigeria, Indonesia, Cuba, and Venezuela supported this. Ghana supported the inclusion of threat of use but suggested it be included in PP6.
- Indonesia, supported by Egypt, suggested changing "would constitute a grave breach" from "would be contrary to" in PP5. The ICRC explained that the language related to "grave breach" refers only to situations of armed conflict and thus would be too limiting for this treaty.
- Switzerland argued the current language in PP5 is not currently agreed and suggested instead saying that any weapon that cannot comply with IHL must never be used.
- Brazil wants this treaty to be clearer than ICJ advisory opinion was in 1996; does not support Switzerland's proposal to revise PP5.
- Ecuador suggested: "Recognizing that any use of nuclear weapons, irrespective of the cause, is incompatible with the requirements of international humanitarian law or international law, or the laws of morality, or the dictates of public conscience and that given their indiscriminate nature and potential to annihilate humanity, nuclear weapons are inherently immoral."

Preambular paragraph 6

- Malaysia requested more clarity on this paragraph because it refers to cases not covered by this convention, but also IHL, which applies to armed conflict.

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News in brief, continued

- New Zealand suggested a clarification of the reference to the Marten's clause to the effect of "stressing that any use of nuclear weapons would be abhorrent to the principles of humanity and the dictates of public conscience." It feels that this might address the concerns of Malaysia. This was supported by Argentina, Mexico, and Mozambique.

Preambular paragraph 7

- The Philippines called for a strengthened reference to the principles of the UN Charter.
- South Africa proposed that this paragraph recall that in accordance with the UN Charter, states must refrain from the threat or use of force against territorial integrity or political independence or in any other manner inconsistent with principles of the UN. This was supported by Cuba.
- Cuba suggested adding two new paragraphs after PP7: "Recalling its first Resolution (1 (I)), adopted by consensus on January 24, 1946, and subsequent resolutions which call for the elimination of nuclear weapons;" and "Recalling also the Final Document of its First Special Session devoted to Disarmament, adopted by consensus, which emphasizes that nuclear weapons pose the greatest danger to mankind and to the survival of civilization and calls for the complete elimination of such weapons."

Preambular paragraph 8

- Malaysia and Palestine prefer stronger language than "Bearing in mind..."
- Cuba suggested adding, before the word prohibition, the words "legally binding".
- - Guatemala would like to specify that the prohibition of nuclear weapons is necessary to achieve nuclear disarmament.

- Argentina would like to add that the risk of nuclear weapon use can only be avoided when all nuclear weapons have been eliminated, with a reference to NPT article VI.

Preambular paragraph 9

- Cuba would like to add after the word facilitate, "irreversible, verifiable and transparent" in referring to elimination.

Preambular paragraph 10

- Chile on behalf of Columbia, Ecuador, El Salvador, Guatemala, and Peru, underlined the importance of mentioning steps toward the ultimate goal of general and complete disarmament, noting that it's mentioned in the NPT, CTBT, and NWFZ treaties.

Preambular paragraph 12

- Cuba would like to replace the word "affirming" with "reaffirming" and would like to add the specification that this was unanimously concluded by the ICJ in its advisory opinion of 8 July 1996 and also affirming the obligation is universal and unconditional.

Preambular paragraph 14

- Iran suggested that paragraph 14 might be a better place to reflect the role of women in disarmament. Brazil supported this.
- South Africa suggested that it is important to recognise the role of all states in the call for the total elimination of nuclear weapons and to not to single out one set of victims.
- Ireland is pleased to see the contributions of civil society recognized in the preamble. •



**WOMEN'S MARCH
TO BAN THE BOMB**
JUNE 17 NEW YORK





**The Permanent Mission
of Brazil**

and

**The Pugwash Conferences
on Science and World Affairs**

Cordially invite you to participate in a discussion on

**The nuclear ban and the problem of hosting nuclear weapons
belonging to other nuclear states**

Speakers:

Masao Tomonaga

City of Nagasaki,
Honorary Director of the
Japanese Red Cross
Atomic Bomb Hospital

Paolo Cotta-Ramusino

Secretary-General of Pugwash

Zia Mian

Program on Science
and Global Security,
Princeton University

Friday, June 16

Conference Room B

1:15 – 3:30 PM

A light lunch will be served from 12:30 by the Vienna Café



WOMEN'S MARCH TO BAN THE BOMB

Saturday, 17 June 2017

12:00: Rally at 41st Street between Sixth Avenue and Broadway (near Bryant Park)

12:30: March from Bryant Park to Dag Hammarskjöld Plaza

13:15: Rally in Dag Hammarskjöld Plaza (47th Street between First and Second Avenues)

All delegates welcome!

More info at www.womenbanthebomb.org!