



NPT NEWS IN REVIEW

Civil society perspectives on the 2019 Preparatory Committee of the
nuclear Non-Proliferation Treaty (NPT), 29 April–10 May 2019



Reaching Critical Will

10 May 2019
Vol. 16, No. 6

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The *NPT News in Review* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom during meetings of NPT states parties.

The views expressed in this publication are not necessarily those of RCW or WILPF.

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RAIN OR SHINE, THE NPT MUST BE IMPLEMENTED

Ray Acheson | *Women's International League for Peace and Freedom*

“Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds,” says the unofficial motto of the US postal service, engraved on the James Farley Post Office just a few blocks from the UN in New York City. It is a concept that the nuclear-armed states would do well to heed. Their legal obligation to achieve the total elimination of their nuclear arsenals stands, regardless of the environmental conditions. But you’d never know that based on their positions here at the NPT PrepCom or their vehemently negative reactions to the revised draft recommendations circulated by the Chair on Thursday afternoon.

“I have nothing good to say about this document,” said the US ambassador after having an hour to look at the new draft. He described it as “dramatically worse” than the first text and said if the Chair’s intention was to “bridge differences,” then the Chair failed. Of course, this comes from a delegation that only the day before said this PrepCom has illuminated “seemingly incompatible approaches” to nuclear disarmament and, by the way, tested two intercontinental ballistic missiles during this meeting.

The French ambassador also had a go at the Chair, saying that the new recommendations contain “harmful elements,” some of which threaten the existence of the NPT. He argued that this document is the “opposite” of a collective vision, which is what the draft recommendations are supposed to provide.

It seems that what France and the United States mean is that this document does not reflect *their* vision—collective amongst perhaps four of the nuclear-armed states, though even that is a stretch. The “bridge,” in their perspective as articulated throughout this PrepCom and many previous meetings, is to be built by those who reject nuclear weapons over to those who embrace nuclear weapons wholeheartedly as their most

treasured tools of “security”. And then those who built this bridge need to march across it—not to acquire nuclear weapons themselves, of course, but to support the nuclear-armed states in their indefinite possession of these weapons, which is all for our own good.

As Emily Welty of the World Council of Churches noted on Thursday evening, the different approaches in diplomacy seem to be, on the one hand, saying, “I didn’t get everything I wanted but I’m staying in relationship and honoring the process,” versus those who express shock when outcome documents do not echo their own position exclusively. This latter is common in the nuclear-armed play-book, seen repeatedly over recent years. Others have grown weary with this practice. Perhaps it is the aggression of the nuclear-armed states in these forums and in their nuclear postures and build-up; perhaps it is the experience of going ahead and negotiating new international law on nuclear weapons without the nuclear-armed states’ permission. Either way, many states seem more willing to stand up and confront the nuclear-armed over their behaviour. As Costa Rica asked, “What is point of this exercise if some countries think of this as a zero-sum game like baseball?”

Fortunately, the majority of delegations taking the floor in response to the revised recommendations are not playing sports. Some expressed particular changes they regretted having been made or missed, but expressed overall support for the Chair’s efforts. Several delegations also pointed out that even though a few governments may not see this as a collective vision, these recommendations are actually much closer to the objectives and spirit of the NPT and outcome documents from 2010 and before. The Brazilian delegation noted that this document is a much more accurate reflection of discussions and common ground than the 2017 and 2018 NPT PrepCom Chair’s summaries. Thailand noted that the changes give the document more bal-

Editorial, continued

ance based on views in the room, especially in relation to nuclear disarmament, where obligations need to be reaffirmed the most. Austria argued that it is important to have a common basis, and that basis is the NPT.

"If the NPT is no longer a middle ground, what are we doing here?" asked the New Agenda Coalition, describing the revised recommendations as a "natural evolution" based on really listening to all states parties. The draft is indeed much improved from the first round, reflecting majority positions on humanitarian consequences, nuclear disarmament commitments and obligations, gender considerations, and more. Language could still be stronger on the UN Treaty on the Prohibition of Nuclear Weapons (TPNW), such as urging its signature and ratification, but the recognition of the need for a legally-binding norm to prohibit nuclear weapons and the TPNW's complementarity to the NPT is vital. Much more depth is added to the paragraph on gender, reflecting not just the need for women's participation but also the active encouragement of states parties to support gender diversity in their delegations and through sponsorship programmes in accordance with UN Security Council resolution 1325. The docu-

ment also adds recognition of the disproportionate impact of ionising radiation on women and girls, which has been discussed throughout this review cycle and is reflected in the TPNW. The chapeau and section one on nuclear disarmament reflect the central importance of implementing obligations and commitment to accomplish nuclear abolition.

Overall, while not perfect or sufficiently far-reaching from the perspective of some governments and many activists, the draft recommendations provide a solid reflection of the majority view of NPT states parties and offer a good starting point for work at the 2020 Review Conference. What happens next year will depend on the will of governments to comply with their legal obligations and to respect international law—and to respect each other. The NPT belongs to everyone, the South African ambassador reminded the room on Thursday. "'No' is never a negotiating position"—certain states parties cannot operate as a small gang that gets its way while everyone else has to go along, she warned. Compromise and negotiation, not threatening Chairs of meetings and other delegations, is the only way to go. •

CHANGES TO THE DRAFT RECOMMENDATIONS

Ray Acheson, Katrin Geyer, and Allison Pytlak, WILPF and Alicia Sanders-Zakre, Arms Control Association

The following reflects changes between the first and second draft recommendation documents.

Chapeau

- Para 1 now reaffirms commitment to the Treaty (rather than its preamble and articles) and adds reaffirmation of its "full and urgent implementation, and the continued validity of the commitments and undertakings of past review conferences, bearing in mind, inter alia" the anniversaries.
- Para 2 now reaffirms that the NPT is the cornerstone of both the disarmament and non-proliferation regime (rather than just non-proliferation) and reaffirms it plays a crucial role in facilitating nuclear energy (removing non-proliferation and disarmament).
- Para 3 is a new para that reaffirms "that the full, non-discriminatory and balanced implementation of the three pillars remains essential for promoting its credibility and effectiveness and in realizing its objectives."

- Para 4 (old para 3) reaffirms "commitment to the full implementation of the provisions of the Treaty and realisation of its objectives" (rather than "to efforts designed to promote the full implementation of the provisions of the Treaty and realisation of its objectives").
- Para 5 (new) reaffirms "the responsibility of all States parties to the full implementation of the Treaty and the importance of open, inclusive and transparent dialogue to achieve this end."
- Para 6 (new) expresses concern "at the erosion of the treaty-based disarmament architecture and underscore the mutually reinforcing relationship of its relevant treaties."

Nuclear disarmament

- Para 7 (old para 4) reaffirms the commitment "to the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament"



Changes to the draft recommendations, continued

(rather than recalling the commitment by the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate their nuclear arsenals." It also notes that all states parties are committed to this under article VI of the Treaty and calls "for immediate action by the nuclear-weapon States to comply with their relevant obligations."

- Para 8 (old para 5) reaffirms "the commitment by all States parties, especially the nuclear-weapon States, to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons." Previously, it just urged the pursuit of such policies without highlighting the nuclear-armed states.
- Para 9 (old para 6) now calls for accelerated actions in "accomplishing" rather than "implementing" the unequivocal undertaking.
- Para 10 (old para 7) adds "including the extension of the Treaty on Measures for the Further Reduction and Limitation on Strategic Offensive Arms (the New START Treaty) and the negotiations of a successor agreement leading to further reductions."
- The old para 8, which reaffirmed "the responsibility of all States parties to maintain an international environment conducive to the full implementation of the Treaty and the importance of open, inclusive and transparent dialogue to achieve this end," has been deleted.
- Para 11 (old para 9) reaffirms "the essential contribution of nuclear disarmament and non-proliferation to international peace and security" instead of "to the maintenance of international peace and security".
- Para 12 (old para 10) calls for steps to reduce alert status of nuclear weapon systems "in a way that promotes international stability and security, with a view to the total elimination of nuclear weapons." It deletes the reference to "elaboration of measures to reduce the risk of nuclear weapons, either intentionally, by miscalculation, or by accident" and moves this to a new para 13.
- New para 13 also describes these measures as those "that can contribute to building confidence".
- Para 14 (old para 11) encourages states parties to report to the 2020 RevCon as well as the next review cycle. It adds a call for states "to agree to make future regular national reports at specified frequencies to enhance transparency". It also adds

a "call on all States parties to use a reporting form that ensures national reports provide accurate, up-to-date, complete and comparable information." It also encourages sufficient time to be allocated at the 2020 RevCon and during the next review cycle for interactive discussions on the substance of national reports.

- Para 15 (old para 12) adds "with a view to their total elimination".
- Para 16 (old para 13) "reiterates the deep concern at the catastrophic humanitarian consequences of nuclear weapons, including any intentional or accidental nuclear explosion" (instead of just calling to "further consider" this issue). It also calls for "further consideration to prevent the devastation that would be visited upon all humanity by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples; and reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law."
- Para 17 (old para 14) adds a highlight to the "special responsibility of the nuclear-weapon States" to sign and ratify the CTBT.
- Para 18 calls for the negotiation of a legally binding convention, in the CD, "banning nuclear weapons and other nuclear explosive devices."
- Para 19 (old para 15) on a fissile material cut-off treaty remains the same.
- Para 20 (old para 16) calls for negotiations instead of discussions on an instrument for negative security assurances.
- Para 21 (new) acknowledges "the need for a legally-binding norm to prohibit nuclear weapons in order to achieve and maintain a world without nuclear weapons."
- Para 22 (old para 17) continues to "acknowledge the support by many States parties for the Treaty on the Prohibition of Nuclear Weapons and its complementarity to the NPT."
- Para 23 (old para 18) now welcomes work to promote trust and confidence "among nuclear-weapon States and non-nuclear weapon States" rather than just "among States".
- Para 24 (old para 19) adds support for "the review of reservations and interpretive statements made by nuclear-weapon States in connection to the aforemen-



Changes to the draft recommendations, continued

tioned Protocols; and taking into account the Fourth Conference of Nuclear-Weapon-Free Zones and Mongolia in April 2020.”

- Old paras 20 and 21 on education and gender have been moved to section V on universality and other provisions of the Treaty.

Nuclear non-proliferation

- Para 25 is former para 22.
- Para 26 is former para 23.
- Para 27 is former para 24.
- Para 28 is former para 25.
- Para 29 replaces old para 26 which had been controversial because of divided views about the technical and legal accuracy of referring to comprehensive safeguards agreement (CSAs) and the additional protocol as the “enhanced verification standard under Article III”. The new, expanded paragraph “recognises” rather than “notes” that CSAs have been successful in their main focus of providing assurance on non-diversion and a “limited level” of assurance on the absence of undeclared material and activities. The new paragraph further notes implementing the additional protocol provides increased confidence about such absences. It identifies that numerous states view that these measures have been introduced as an integral part of the safeguards systems but that it is each states’ sovereign decision to conclude an additional protocol, after which it becomes a legal obligation.
- Para 30 is new and builds on new para 29. It outlines that a CSA and a supplemental additional protocol represent, to states that have them, the “enhanced verification standard”. It notes that the additional protocol represents a “significant confidence building measure”.
- Para 31 is former para 27.
- Para 32 is former para 28.
- Para 33 is new and responds to suggestions to include language on export control. It encourages states parties that have not yet done so to establish and implement “effective rules and regulations to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls”.
- Para 34 is former para 29.
- Para 35 is former para 30.
- Para 36 is former para 31.

- Para 37 is former para 32.
- Para 38 is former para 33.
- Para 39 is former para 34. The word “disrupt” has been replaced by “respond” in the first sentence, and that sentence now refers to “other radioactive material” following the word “nuclear”.
- Former para 35 is no longer included in the document.

Nuclear energy

- Para 40 (old para 36) now “reaffirm[s]” instead of “recall[s]” the inalienable right of states parties to use nuclear energy for peaceful purposes.
- Para 41 (new) highlights the need for preferential treatment for non-nuclear armed states, particularly developing countries, to benefit from peaceful uses of nuclear energy.
- Para 43 (old para 39) includes an addition in the first sentence: “as reaffirmed in the Ministerial Declaration adopted at the 2018 IAEA Ministerial Conference on Nuclear Science and Technology.” New content was also added at the end of the paragraph following “Paris Agreement on Climate Change.” It reads: “under the United Nations Framework Convention on Climate Change. Call on the United Nations development system to work closely with the IAEA to maximise the potential role of nuclear science and technology for development.”
- Para 44 (old para 40) now includes a reference to “cultural heritage” as another aspect of the contribution that the IAEA can assist in in the peaceful uses of nuclear energy.
- Para 47 (new) stresses that the “IAEA [Technical Cooperation Programme] ... should continue to be formulated and implemented in accordance with the IAEA’s Statute and the guiding principles.”
- Para 55 (new) “encourages states parties to put in place a civil nuclear liability regime”.
- Para 56 (new) “underline[s] the importance to transport radioactive materials consistent with relevant international standards of safety, security and the environment protection, and encourage[s] continued efforts to improve communication between shipping and coastal States for the purpose of confidence-building and addressing concerns regarding transport safety, security and emergency preparedness.”
- Para 57 (new) recalls the decision adopted at the IAEA General Conference on 18 September 2009 “on pro-



Changes to the draft recommendations, continued

hibition of armed attack or threat of attack against nuclear installations, during operation or under construction.”

Regional issues

- Para 58 is former para 50.
- Para 59 (old para 51) adds to the end of the first sentence: “as endorsed by United Nations Security Council resolution 2231.” It deletes: “Underscore the impartial and vital role of the IAEA in verifying and monitoring the implementation by the Islamic Republic of Iran of its nuclear-related commitments under the Plan. Emphasize the importance of strict adherence by the Islamic Republic of Iran to all of its nuclear related commitments under the Plan and its full cooperation with IAEA to achieve international confidence in the exclusively peaceful nature of the Iranian nuclear programme.”
- Former para 52, “Call upon the Syrian Arab Republic to fully comply with its safeguards obligations and to cooperate fully with IAEA to resolve all outstanding safeguards issues,” is no longer included in the document.
- Para 60 (old para 53) moves the following sentences from the third and fourth sentences (at the end of the paragraph) to the first and second sentences (at the beginning of the paragraph): “Stress the importance of maintaining peace and stability on the Korean Peninsula, as well as of the peaceful and diplomatic resolution of the Democratic People’s Republic of Korea nuclear issue, and encourage efforts towards continuing dialogue and engagement for the full denuclearisation of the Korean Peninsula. Stress that all States must fully implement the relevant United Nations Security Council resolutions.” The para added “as required by relevant United Nations Security Council resolutions” to the sentence: “Urge the Democratic People’s Republic of Korea to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner.” The para adds the following sentence to the end of the paragraph: “Reaffirm that the Democratic People’s Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty. Urge the Democratic People’s Republic of Korea to return, at an early date, to the Treaty and IAEA safeguards. Also urge the Democratic People’s Republic of Korea to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty.”

Universality and other provisions of the Treaty

- Belgium announced that it will fund alternative technologies for the production of radioisotopes that will not use fissile uranium.
- Para 61 (old para 54) replaces “States that are not yet party” with “India, Israel and Pakistan”.
- Para 62 (new) calls “upon South Sudan to accede, as soon as possible, to the Treaty.”
- Para 63 (new) encourages “States parties to be represented at a high level at the 2020 NPT Review Conference.”
- Para 64 (old para 55) replaces “Continue to examine ways and means of improving” with “Without supplanting substantive discussion, allocate time for discussion at the 2020 NPT Review Conference with a view to adopting recommendations designed to strengthen the review process, note the various proposals made throughout the sessions of the Preparatory Committee in this regard, and continue to improve.” It also replaces “including” with “inter alia” and replaces “working groups” with “a working group.” It replaces “in the context of the next review cycle” with “that would explore these issues throughout the next review cycle.” It adds “through implementing” before the word “measures”.
- Para 65 (old para 20 in section II) adds “with a view to achieving a world without nuclear weapon” to the last sentence.
- Para 66 (old para 21 in section II) adds two sentences: “Encourage States Parties, in accordance with United Nations Security Council Resolution 1325, to actively support gender diversity in their NPT delegations and through support for sponsorship programmes. Recognise the disproportionate impact of ionizing radiation on women and girls.”
- Para 67 (new) reads: “Promote 26 September as the International Day for the Total Elimination of Nuclear Weapons in order to mobilize international efforts towards achieving the common goal of a nuclear-weapons-free world.” •

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NEWS IN BRIEF

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Review of the draft recommendations

Regional issues

- The Non-Aligned Movement (NAM) made language suggestions as outlined in paragraphs 7, 10, and 19 of its Working Paper NPT/CONF.2020/PC.III/WP.19, that could be added as additional paragraphs after paragraph 50.
- France suggested moving paragraphs 51, 52, and 53 to Cluster II. The Republic of Korea (RoK) and the United Kingdom (UK) supported this. Japan said it was flexible on this but stated that sections 51, 52, and 53 should be treated together and remain in the same section.

Paragraph 50

- The United States (US) proposed to end this paragraph after the first mention of "Middle East." It observed that the US cannot support the UN General Assembly Resolution 73/546 that calls for a conference to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East (WMDFZ), as the resolution did not enjoy everybody's support.
- The Arab Group, the African Group, Algeria, Syria, Iraq, Egypt, Qatar, Japan, and Nigeria expressed support to maintain this paragraph as proposed by the Chair. Qatar, Egypt, Cuba, the Arab Group, and Iran asserted they would have preferred a stronger paragraph.
- Iran noted that the paragraph does not address Israel's unwillingness to participate in such a Conference.
- Japan suggested adding language that would assert the importance of participation of all states from the region as well as the three co-sponsors of the 1995 Resolution on the Middle East. France suggested replacing references to the Conference with "taking note of the UN General Assembly 73/546 resolution."

Paragraph 51

- The US expressed concerns about the language and informed it will provide suggestions in written "that accurately reflect the situation in Iran."
- Indonesia asserted that the International Atomic Energy Agency (IAEA) confirmed Iran's compliance with its obligations and called on states parties to uphold UN Security Council resolution (UNSCR) 2231. France and Indonesia called for the explicit mention of UNSCR 2231.

- Iran reminded that the IAEA has confirmed Iran's compliance 14 times so far, which should have been acknowledged and welcomed in the paragraph. It observed that the US position violates UNSCR 2231. China and Iran said the paragraph should urge the US to halt unilateral sanctions.
- China said that if this paragraph was retained, it should call on all parties to jointly guarantee access to "economic dividends" based on the Joint Comprehensive Plan of Action (JCPOA).
- Cuba suggested deleting the last sentence of this paragraph as it finds the approach to be unbalanced. If this sentence is kept, Cuba urged including reference to a broad rejection from NPT states parties over US withdrawal from the JCPOA.
- Japan suggested calling on Iran to ratify Additional Protocol. France supported this.

Paragraph 52

- The US supports this paragraph as drafted.
- The NAM and Cuba called for deletion of this para.

Paragraph 53

- The US expressed concerns about the language and informed it will provide suggestions in writing.
- Iran said that it cannot accept this paragraph unless a clear reference is included that urges Israel to join the NPT as a non-nuclear-armed state. NAM also regretted that there is no such call in the current version.
- Japan suggested spelling out all relevant UNSCRs on the Democratic People's Republic of Korea (DPRK). The UK supported this.
- Japan suggested urging the DPRK to sign and ratify the Comprehensive Test Ban Treaty (CTBT). Switzerland supported this.
- China said the language should be further simplified. Germany supported strengthening this paragraph.

Universality and other provisions of the Treaty

- The NAM suggested adding a statement asserting that the accession of all states not party to the NPT is essential to realise NPT objections and that all states should work towards universality and not take actions that would hinder it.
- Chile and Cuba suggested moving paragraphs 20 and 21 to Section V.

Paragraph 55

- Iran, the New Agenda Coalition (NAC), and Russia suggested deleted the reference to working groups.



News in brief, continued

- Australia, Germany, Mexico, Netherlands, Philippines and the Republic of Korea stated that there was broad support for discussing improving procedural issues.
- Chile, Germany, Netherlands, and the Philippines suggested replacing “including” with “inter alia” to indicate that working groups is one possibility.
- Syria expressed confusion about the reasons for including working groups as part of this paragraph.
- New Zealand suggested adding “without supplanting substantive discussion” to indicate the general nature of the working groups, which the RoK supported.

Adoption of background documentation (NPT/CONF.2020/PC.III/CRP.6)

- Russia reiterated it wanted to include documentation of the CTBTO and does not understand why this was blocked by the US and omitted from the document. It agreed to not block adoption of CRP.6.

Comments on the revised draft recommendations

- The NAM, Algeria, Iran, South Africa, Thailand, Chile, Syria, Costa Rica, Egypt, Brazil, the NAC, Ecuador, and the African Group welcomed the revised draft recommendations as a significant improvement.
- NAC and Austria observed that the language of the second draft aligns with existing agreed commitments.
- Austria said that the Third NPT PrepCom faces a “historic chance” to adopt the PrepCom recommendations by consensus.
- The United States (US) said that the revised draft was “dramatically worse” than the first draft and said that it is “highly unlikely” that this draft would garner consensus. It stated that this draft increases divisions and polarisations in the disarmament community.
- France supported the US’ assessment. It said that the revised draft proposes “exactly the opposite” of developing a collective vision. It did not consider the revised draft “useful,” and argued that the draft recommendations include “harmful elements” that “threaten the very existence of the NPT.”
- The UK said that the revised draft recommendations “move away from consensus”.
- Finland and Germany said that the revised draft does not represent views expressed in a balanced manner.
- Iran observed that what divides the nuclear disarmament community is the non-compliance of nuclear-armed states with their nuclear disarmament obligations.

- South Africa observed that “no” is never a negotiating position and that the nature of negotiations means that “we are in it with others.” South Africa said that “the NPT belongs to all of us and not a small group of a cartel that abrogates upon itself to dictate what is acceptable and what isn’t.”
- Indonesia and Thailand welcomed the strengthened section on nuclear disarmament.
- Cuba, Mongolia, and Ecuador welcomed references to nuclear weapon free zones (NWFZ) in paragraph 24. Mongolia suggested including a reference to Mongolia’s nuclear weapon free status in the first line of paragraph 24.
- Cuba welcomed strengthened references to the deep humanitarian concerns of nuclear weapons in paragraph 16, and the call for the elimination of nuclear weapons in various paragraphs.
- Thailand welcomed the additions of paragraphs 5 and 6 as they provide a “snapshot” of current challenges and circumstances.
- Ecuador welcomed references to nuclear disarmament education and gender.
- Germany acknowledged the inclusion of its language suggestions on risk reduction and references to UN Security Council resolutions on the Democratic People’s Republic (DPRK) and Iran.
- The UAE expressed concern with changes to the paragraph on Iran.
- The UAE expressed concern at the “watered down” language on the additional protocol.
- Brazil observed that the new language is based on the 2010 outcome document’s consensus-based language.
- The US, France, Germany, Finland, the UK, and the United Arab Emirates (UAE) recommended reverting back to the first draft.
- Egypt, Mexico, and Chile would support adopting the revised draft recommendations in the spirit of constructiveness.
- Egypt, Cuba, Iran, Costa Rica, and the African Group expressed appreciation about the transparent and inclusive manner with which the Chair conducted his consultations.
- NAC, Austria, Thailand, Iran, and Chile expressed its appreciation for the Chair’s openness to listen to the concerns of all states parties. •



