



NPT NEWS IN REVIEW

Civil society perspectives on the 2015 Review Conference of the
nuclear Non-Proliferation Treaty (NPT), 27 April–22 May 2015



Reaching Critical Will

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

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EDITORIAL: ¡YA BASTA! IT'S ALL ABOUT THE BAN

Ray Acheson | *Reaching Critical Will of WILPF*

The President's new draft text for Main Committee I issued Thursday morning is a nuclear-armed state text. It sells out nuclear disarmament and serves those who seek to preserve and embolden the false perception of legitimacy of nuclear weapons asserted by nuclear-armed and their nuclear allied states. It is a text that reflects the view of a radical, recalcitrant minority and it should not be accepted by the majority. Refusing to accept this text would not be an act of obstruction. It would be an act of courageous leadership by governments that believe that nuclear weapons are unjust, indefensible, horrific, catastrophic, unacceptable weapons of terror. It would signal to those militarily powerful, often violent countries that want to impose their vision of the world on the rest of us, that enough is enough.

The critique of the state of play on nuclear disarmament expressed in the new text is much weaker than in previous drafts—so much so that it should be unacceptable to any state that does not value nuclear weapons. The new text makes no reference to the slow pace of nuclear disarmament. It deletes the explanation that any assumptions about “indefinite possession” of nuclear weapons are incompatible with the NPT, non-proliferation, and international peace and security. It suggests that only non-nuclear-armed states and civil society learned anything about the humanitarian impact of nuclear weapons (HINW) over the last three years and argues that it is only the perception of some states that there could be no adequate response to a nuclear weapon detonation.

The new text only “notes” rather than “welcomes” the joint statement on the HINW delivered by Austria on behalf of 159 states, putting it on the same footing (and in the same sentence) as the statement delivered by Australia on behalf of 26 (nuclear-allied) states. It also deletes the acknowl-

edgement that the awareness of the HINW must underpin all approaches and efforts towards nuclear disarmament.

The new draft also only seeks to prevent the proliferation of nuclear weapons under any circumstances, rather than the use. This absurd formulation makes a mockery of the 159 states that have resolutely called for the prevention of any use of nuclear weapons ever again. In this context, it also suggests that possession, and even use, are not as dangerous as potential proliferation.

The revisions to this draft text also regress from even the minimalist understandings and commitments made in 2010. It deletes the reaffirmation that states must at all times comply with applicable international law, including international humanitarian law. It no longer calls for a review of military doctrines “with a view to reducing substantively or eliminating the role and significance of nuclear weapons”—which was already weaker than 2010's call for action on security doctrines (in action 5). The text also no longer emphasises the need to reduce the operational status of nuclear weapons “leading to a phased removal of all nuclear weapons from high alert levels,” but instead encourages “consideration of further measures” for reductions—and makes no mention of the action 5 commitment from 2010. The reporting provisions provide an escape clause through the not-so-ambiguous reference to “without prejudice to national security”—which translates to: “You don't have to report on anything, really. We understand.”

On nuclear weapon modernisation, the new text only “notes concerns expressed by non-nuclear-weapon States regarding programmes for the development of advanced new types of nuclear weapons as well as the qualitative improvement of existing nuclear weapon systems.” In 2010, the outcome document expressed the “legitimate interest” of states in constraining and ending the

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Editorial, continued

development and qualitative improvement of nuclear weapons, and described this as an effective measure for nuclear disarmament.

In various ways, the text decouples the pursuit of a nuclear weapon free world from article VI, decouples article VI or nuclear disarmament from the humanitarian impacts of nuclear weapons, and decouples the humanitarian impacts from international law. It systematically attempts to reject—in the NPT context—the progress that has been made since 2010 to investigate and articulate the humanitarian consequences of a nuclear weapon detonation and to draw conclusions and motivation from the relevant findings. The efforts of many states to bring the work of the HINW into the NPT have been roundly rejected by the nuclear-armed masters of the Treaty.

While recognising that “accelerated efforts are required to implement article VI” and other disarmament commitments, the text explicitly ties any benchmarks and timelines to those set out in exclusively in the document at hand—and then only provides dates for two specific undertakings, neither of which are mandatory. Will this later be used by those who want to prevent progress to say that anything pursued outside of the document undermines the NPT? This is what such states, particularly France, have tried to say about every initiative undertaken by non-nuclear-armed states since 2010—including the first open-ended working group held in 2013.

Perhaps ironically then, the worst part of the text remains OP19, which now recommends the UN General Assembly establish another OEWG later this year to identify and elaborate effective measures for the full implementation of article VI. It also recommends the OEWG operate on the basis of consensus, which, as anyone working in disarmament knows all too painfully, privileges the nuclear-armed (or more generally heavily-armed) countries over all the rest. The nuclear-armed states have prevented any progress in the Conference on Disarmament (CD) for twenty years because they treat consensus as a veto; they also managed to significantly weaken the Arms Trade Treaty through the course of consensus-based negotiations.

Through and through the text privileges the nuclear-armed states over the rest of the world. It is not a credible document and was not developed through a credible process. It was developed in a room outside of the UN, amongst a handful of states, with the nuclear-armed bullies surely deploying some heavy-handed pressure tactics to intimidate the pro-disarmament delegations in the room and back in their capitals. We don’t know how much the President’s text reflects discussions in that room. But we do know that it dem-

onstrates clearly that the NPT is a treaty of the nuclear-armed states.

States truly committed to disarmament must say “enough is enough” to the nuclear-armed states. As of writing, 99 states have endorsed the Humanitarian Pledge to fill the legal gap for the prohibition and elimination of nuclear weapons. This Pledge is not about talking for another year or so in an OEWG, under the constraint of consensus, about what constitutes an effective measure for nuclear disarmament. We have done that. For years. We have talked in the CD, in First Committee, in the Disarmament Commission, and in nine review cycles of the NPT about what should be done to finally achieve the legal obligation of nuclear disarmament.

The only credible option available is to refuse to accept this document and begin a diplomatic process to develop a legally-binding instrument prohibiting nuclear weapons. The Humanitarian Pledge is the outcome of this Review Conference, no matter what happens tomorrow with this text. The Pledge should be the basis for negotiations of a nuclear weapon ban treaty. This is an historic opportunity, one that must be seized by those who have the imagination and the courage to actively pursue a better world for us all. •

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DRAFT REVIEW

Ray Acheson | *Reaching Critical Will of WILPF*

This brief only highlights changes from the last texts.

- PP6 deletes the reference to use in “preventing, under any circumstances, the further proliferation of nuclear weapons”.
- The para (old PP8) referencing concern with the slow pace of implementation of disarmament obligations and commitments, etc. has been deleted.
- In PP8 deletes reference to “in accordance with article VI of the Treaty”
- PP9 deletes “including the nuclear-weapon States” in reference to preventing the proliferation of nuclear weapons.
- The para (old PP11) welcoming the accession of the State of Palestine to the NPT has been deleted, as has the para (old PP12) on the importance of universality and all states acceding to treaty as NNWS.
- PP10 returns to “promoting” the “equal, full and effective” participation of both women and men.
- The para (old PP14) on peaceful nuclear explosions has been deleted.
- PP13 deletes “fully” from the reaffirmation that nuclear-armed states need to “comply fully” with their nuclear disarmament obligations.
- PP13 also deletes reference to the need of nuclear-armed states to completely implement their unequivocal undertaking; it now just references their nuclear disarmament commitments.
- PP14, the old PP18, deletes the attempted reinterpretation of article VI and now just reaffirms that the ultimate objective is general and complete disarmament.
- PP16 on the nuclear-armed state meetings removes the reference to the agreement on a common reporting form.
- PP19 on the principles of transparency, verifiability, and irreversibility removes the reference to “measures relating to nuclear disarmament by the nuclear-weapon States pursuant to article VI...” and instead refers to all states “in relation to the implementation of their treaty obligations”.
- PP20 deletes the expression of “deep concern at the humanitarian consequences that would result from any nuclear conflagration”.
- PP20 adds a reference to concern from NNWS regarding modernisation programmes. Modernisation is no longer addressed in the operative portion of the text.
- PP21 deletes the explanation that any assumptions about “indefinite possession” are incompatible with the NPT, non-proliferation, and international peace and security.
- PP22 now “notes the reaffirmation by the NWS” of their unequivocal undertaking, rather than the Conference reaffirming this undertaking.
- PP22 deletes the sentence on the Conference supporting “treaty-based nuclear disarmament and nuclear non-proliferation and the need to revitalize the UN disarmament machinery.”
- PP23, new, reiterates some of the language from 2010 expressing deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, but it deletes the reference to international law, including IHL from 2010.
- PP25 now “notes” instead of “recognizes and notes” the growing interest of NNWS (rather than a majority of NNWS) in the humanitarian impact of nuclear weapons (rather than the international discourse on the catastrophic humanitarian consequences of the use of nuclear weapons).
- PP25 notes the three conferences on the HINW, which added to the knowledge of “NNWS and civil society” (rather than “States and civil society”), of the “catastrophic consequences of any nuclear weapon detonation and the associated risks posed by nuclear weapons” (rather than “the horrific consequences of nuclear weapons”).
- PP26 now only “notes” rather than “welcomes” the joint statement on the HINW delivered by Austria on behalf of 159 states and puts it in the same sentence noting the statement delivered by Australia on behalf of 26 states.
- PP26 deletes the substance drawn from the 159-state statement on the consequences of nuclear weapons and the acknowledgement that this awareness must underpin all approaches and efforts towards nuclear disarmament.
- PP26 also now adds reference to the statement on education delivered by Japan on behalf of 76 states and the NAM statement at the Vienna conference on the HINW.
- PP27 continues to “note” the Austrian Pledge though to reflect Austria’s internationalisation of the document, it now notes “the Pledge presented at the Vienna Conference on the HINW”.
- PP28 changes reference to the consequences being “significantly graver than previously understood” to “significantly graver than many States parties previously understood”.
- PP28, rather than reflecting that “no States of international organization could adequately address the humanitarian emergency caused by such use,” now notes “that those States Parties consider that no State...”.

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Draft review, continued

- PP28 deletes all reference to the reaffirmation that states must at all times comply with applicable international law, including IHL, and the reference to the importance of spreading awareness of the HINW.
- PP29 still recalls the ICJ opinion but deletes the quote from that opinion.
- PP30 now “expresses its concern that since the 2010 RevCon the CD has not commenced substantive work on any agenda time in the context of a comprehensive and balanced programme of work” (rather than “reiterates its deep concern that the CD did not agree on and implement a comprehensive and balanced programme of work and did not commence negotiations on any nuclear disarmament related instrument during 2010 to 2015”).
- PP31 now “notes” instead of “welcomes” the HLM on nuclear disarmament and the adoption of resolution 68/32 and deletes all content related to that resolution.
- PP32, a new para, notes the adoption of UNGA resolution 66/66 on revitalizing the work of the CD and taking forward multilateral nuclear disarmament negotiations.
- PP33 now notes the adoption of UNGA resolution 67/56, which established an OEWG (rather than noting the establishment of the OEWG directly or referencing the nature of its work).
- PP34 on the FMCT GGE deletes reference to the “recommendations on possible aspects that could contribute to but not negotiate” an FMCT on the basis of the Shannon mandate.
- PP36 now only recalls the responsibility of all state signatories to the CTBT to promote that Treaty, rather than all states.
- PP37 now “recognizes the importance to promote and achieve the entry into force of the CTBT and its universalization” rather than recognises that clear and actionable steps are required to this end.
- PP37 adds back in language about the CTBT Prep-Com and Integrated Field Exercise.
- PP38 adds a reaffirmation that the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use. The rest of the para on NSAs is the same.
- PP40 on nuclear disarmament verification projects adds a line noting additional proposals on this subject.
- OP1 changes “agrees that understandings and concerns pertaining to the catastrophic humanitarian consequences of any nuclear weapon detonation underpin and should compel urgent efforts by all States leading to a world without nuclear weapons” to “emphasizes that deep concerns pertaining to the catastrophic humanitarian consequences of any use of nuclear weapons are a key factor that should continue to underpin efforts in the field of nuclear disarmament and that the awareness of these consequences should lend urgency to efforts by all States leading to a world without nuclear weapons.”
- A new OP3 “reaffirms the urgent need for the NWS to implement the steps leading to nuclear disarmament agreed to in the Final Documents of 2000 and 2010 Review Conferences, in a way that promotes international stability, peace and security, and based on the principle of undiminished and increased security for all.”
- OP4 is the old OP3 but removes the reference to undiminished security, etc.
- The para, old OP6, relating to modernisation is deleted. It is now only included in the preambular portion of the text.
- OP7 on military doctrines no longer calls for review with a view to “reducing substantively or eliminating the role and significance of nuclear weapons;” instead it is with a view to “reducing further”.
- OP8 deletes reference to “unauthorized or accidental use” of nuclear weapons, only retaining reference to risks of “unintended nuclear detonations”.
- OP8 deletes the reference to potential threats from non-state actors.
- OP9 now “encourages the consideration of further practical measures to reduce the operational status of nuclear weapons” instead of, “Pending the total elimination of nuclear weapons, the Conference emphasizes the need to reduce rapidly, as an interim measure, the operational status of nuclear weapon systems, leading to a phased removal of all nuclear weapons from high alert levels, with a view to increasing international stability and security while lowering the humanitarian risks associated with nuclear weapons.”
- OP11 now welcomes the reports submitted by the NWS in a common reporting framework. It encourages further detailed reporting and calls for “regular” (rather than annual) reports in accordance with actions 5 and 20 from 2010. It calls on them to report to the 2017 and 2019 PrepComs and encourages, rather than calls on, them to include specific items as before, though now adds a caveat, “without prejudice to national security”. It also adds the 2017 and 2019 PrepComs as occasions to review these reports.
- The para now also calls upon all states parties to increase the quality, quantity, and consistency of their reports and to also report on their efforts to implement all aspects of para 4(c) of the 1995 decision.

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Draft review, continued

- It determines that the 2020 RevCon will review progress and consider next steps (rather than decide on next steps).
- OP12 is a new paragraph rolling over action 6 from 2010 on establishing a subsidiary body on nuclear disarmament in the CD.
- OP13 is a new paragraph rolling over action 7 from 2010 on beginning discussions on NSAs.
- OP14 deletes the opening phrase "Pending the urgent conclusion of an international legally-binding instrument on NSAs".
- OP15 on CTBT reaffirms actions 10 to 14. It adds encouragement for the eight states to "take individual initiatives" to sign and ratify "without further delay".
- It changes "bearing in mind the legacy of health and environmental consequences" to "against the backdrop of, inter alia, widespread concerns regard the impact on health and the environmental consequences" resulting from nuclear tests.
- It adds "including those at former nuclear test sites" to the call on states to not under take actions to defeat the object and purpose of the CTBT.
- It deletes the call on states to "close, dismantle, or convert any sites used for nuclear test explosions."
- It adds the recollection that the CTBT "will provide an effective disarmament and non-proliferation measure by constraining the development and qualitative improvement of nuclear weapons."
- The para encouraging development of the international monitoring system and on-site inspection regime has been deleted.
- OP16 on FMCT negotiations now recalls action 15 of 2010.
- OP17 on verification deletes the reference to new proposals (it has been moved to preamble).
- OP18 adds a reference, "In light of the 70th year since the end of the tragic devastations of World War II".
- It deletes "including on their humanitarian impact" and adds "interactions with and directly sharing the experiences of the people and the communities affected by nuclear weapons to know their humanitarian impact."
- OP19 now recommends the UNGA establish this year an OEWG to identify and elaborate effective measures for the full implementation of article VI. It offers less in terms of possible options, previously drawn from the NAC's working paper, and now only suggests a stand-alone instrument or framework agreement. It also recommends the OEWG operate on the basis of consensus and encourages all states to engage in this open and inclusive process. •

NEWS IN BRIEF*Mia Gandenberger | Reaching Critical Will of WILPF*

The News in Brief is not a comprehensive summary of all statements. It highlights positions on a few critical issues covered during plenary discussions.

- The President shortened the time for states to review the final text once it is ready as she is still in consultations on MCII and regional issues, in particu-

lar the Middle East WMDFZ. She planned to release the text at 10pm Thursday.

- Russia announced it will soon circulate a draft on the Middle East WMDFZ unless states will reach a solution on the matter.

CALENDAR OF EVENTS

When	What	Where	Who
15:00 -18:00	Plenary	General Assembly Hall	



NPT NEWS IN REVIEW

DISARMAMENT AND THE NPT

Thomas Nash | Article 36

Acceptance of the P5-oriented “disarmament” outcome presented on Thursday at the nuclear Non-Proliferation Treaty (NPT) Review Conference in New York would be a blow for the credibility of disarmament internationally. In a process that involved no formal consultation with civil society and whose end game has been characterised by predictable anti-democratic back room deals, the nuclear-armed states have worked hard to impose their will on the rest of the world.

The text contains no meaningful disarmament commitments for the nuclear-armed states or their allies. So what would agreement of this text communicate to the nuclear-armed states? Does it signal acquiescence with the lack of disarmament measures over the past five years and acceptance of the relentless modernisation of arsenals that has accompanied it?

This text would further confirm the nuclear-armed states’ grip over the NPT as a tool to legitimate their possession of nuclear weapons. Far from representing any genuine consensus, it would polarise the international community between those that wish to take action and those that are comfortable with the status quo.

Over the course of the past four weeks, the nuclear-armed states and their allies have undermined disarmament. Strong, principled countries that reject nuclear weapons came to the NPT saying they would not accept a mere roll-over of the 2010 action plan. What

they have been presented with now is worse than a roll-over, it is a rollback of the 2010 outcome.

Whether this text is accepted or not, the only way to restore credibility to nuclear disarmament is for states to begin a diplomatic process to prohibit nuclear weapons. They should use the Humanitarian Pledge as the basis for this process and should commence their work by the 70th anniversary of the atomic bombing of Hiroshima and Nagasaki in August this year.

As we near the end of the Review Conference, 100 countries have endorsed this pledge to work for the “prohibition and elimination” of nuclear weapons, by filling what they have called “the legal gap”. This conference has further exposed that legal gap. Nuclear-armed states and their allies have argued vigorously that there is no such gap. It is a common refrain from such states that existing law is adequate. It is only adequate if you value nuclear weapons.

If you do not value nuclear weapons, you should reject this text. Either political arm-twisting by the nuclear-armed states will result in this text being agreed, or the majority will stick to their principles and not accept it. Either way, a treaty to prohibit nuclear weapons remains the most feasible course of action for states committed to disarmament. The intransigence of the P5 at this conference has once more underlined that states must be ready to pursue such a treaty without the nuclear-armed states. •

