



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

7 May 2015
Vol. 13, No. 5

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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.

See reachingcriticalwill.org for information, statements, papers, reports, archived *NPT News in Reviews*, and more from the NPT.

EDITORIAL: TAKING ARTICLE VI SERIOUSLY

Ray Acheson | *Reaching Critical Will of WILPF*

The heat is turning up at the NPT on discussions about effective measures, legal gaps, and the ban treaty. An increasing number of governments are firm in their conviction that now is the time to take concerted action, to try something new, and to achieve real progress for a nuclear weapon free world. There are of course a vocal minority trying desperately to hold onto their favoured discourse of "strategic stability," "state security," and "nuclear deterrence". But most are demanding a "credible process to identify and pursue effective measures for nuclear disarmament" at this Review Conference.

The effective measures discussion has been on the rise since 2013 and is coming to a head this month. Through a series of working papers from the New Agenda Coalition as well as the Austrian Pledge—the latter of which has been endorsed by 80 states so far—the focus has become not if, but which, legally-binding treaty will best fill the legal gap for the prohibition and elimination of nuclear weapons.

Apparently not everyone believes there are gaps. Saying that article VI should be "taken seriously," the Netherlands said, "We do not agree that there is a 'legal gap' with regard to this article."

This is a surprising claim. There are legal gaps. Significant ones.

Some have been highlighted at this Review Conference. Austria and the New Agenda Coalition noted there is no comprehensive universal norm prohibiting use, transfer, or possession of nuclear weapons. There are other gaps as well—related to nuclear weapon development, production, and manufacture; testing; transfer or acquisition; transit; stockpiling; stationing; deployment; use or threat of use; and financing.

CELAC and South Africa highlighted the anomaly that nuclear weapons are the only

WMD that have yet to be subjected to a comprehensive, global prohibition. This represents a broader gap in international law, where as Costa Rica noted, "weapons with unacceptable humanitarian consequences, such as biological and chemical weapons, preceded their prohibition and eventual elimination."

These states—and all those others that have endorsed the Pledge, called for a treaty prohibiting nuclear weapons, and requested focused discussions on effective measures at this Review Conference—are taking article VI seriously. Very seriously. "Addressing those calls for action is not only highly recommended but it is a logical imperative for this Review Conference," said Thailand, "which can only serve to strengthen the work of the NPT and the implementation of the instrument itself."

The problem is that article VI is not taken seriously by the nuclear-armed states or their nuclear-dependent allies. The former seem to see it as a mere suggestion; the latter as an eventual, ultimate objective. They seem more interested in pursuing other "gaps" they have identified, such as a fissile material cut-off treaty, even though most of the nuclear-armed states are no longer producing fissile materials for weapon purposes.

But as the evidence on the catastrophic humanitarian consequences and the risks of intentional or accidental use of nuclear weapons show, there is no time to waste on making real progress for the prohibition and elimination of nuclear weapons. There is no time to "rely on some kind of grace and favour" of bilateral reductions by the nuclear-armed states, declared Ireland. "All of our citizens have a stake in this."

"If these weapons are judged by the vast majority to be bereft of moral justification and utilitarian value," asked Ireland, "if they

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ILPI



HUMANITARIAN IMPACT

Why ethics is important to the politics of nuclear weapons

Friday, 8 May 2015 ■ 13:15-14:30 ■ Conference Room C

Can certain acts be considered intrinsically wrongful, no matter how likely they may be to achieve their goals or however worthy such goals may be? Does the absence of a specific ban on nuclear weapons under today's international law reflect a moral ambivalence about the weapons?

This side event looks at the challenge of cultivating a political consensus around the view that nuclear weapons are so singularly inhumane we ought categorically to reject their use, whatever purposes they may be said to serve.

Speakers and Moderators

- RAY ACHESON, Director, Reaching Critical Will
- JOHN BORRIE, Senior Researcher & Policy Advisor, UNIDIR
- TIM CAUGHLEY, Resident Senior Fellow, UNIDIR
- NOBUO HAYASHI, Senior Legal Advisor, ILPI
- GRO NYSTUEN, Senior Partner, ILPI
- CAMILLA WASZINK, Programme Director, ILPI

The event is co-organized by the the United Nations Institute for Disarmament Research and the International Law and Policy Institute. For more information, visit www.effectivemeasures.org.

Editorial, continued

have been shown to have appalling and indiscriminate destructive capacity to which the Hibakusha testify including at this Review Conference; why is there a reluctance to discuss legal pathways to eliminate them, as all States are obliged to do under the Treaty?"

Subsidiary body 1 is scheduled to hold focused discussions on effective measures for nuclear disarmament on Friday. States should focus on which legal instrument would best fill the legal gap for the prohibition and elimination of nuclear weapons. And all states must take these discussions very seriously. •

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NEWS IN BRIEF

Mia Gandenberger and Gabriella Irsten | *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.

Main Committee I

Humanitarian impact of nuclear weapons (HINW)

- Ireland said it is time to draw legal, political, and operational conclusions from what has been learned about the HINW.
- Thailand stressed that the best implementation of the Action Plan is the new focus and on the HINW and urged the nuclear-armed states to give “serious consideration” to the HINW.
- Egypt said that the HINW should have a central part in discussions in MC I to de-legitimise nuclear weapons and reach elimination.
- Netherlands stated that the humanitarian initiative gives fresh momentum to global zero but at the same time we can’t ignore the security environment.
- Slovakia said we need to consider both humanitarian and security concerns.
- Turkey said that the HINW underpins all our work towards nuclear elimination.
- NAM, Austria, Algeria, and Qatar also highlighted the HINW.

Prohibition and elimination

- Egypt stressed the need to fill the legal gap in addressing effective measures for the elimination of nuclear weapons and reiterated its support for the Austrian Pledge.
- Egypt called for the banning and/or seeking to totally eliminate nuclear weapons and also called for a NWC with a timeline.
- Thailand called for focused discussions on effective measures for nuclear disarmament as an urgent humanitarian imperative and stressed the urgency for discussions aiming at beginning an appropriate diplomatic process to address the legal gaps.
- Ireland stated that all NPT states parties have the obligation to enter into negotiations leading to effective measures for nuclear disarmament.
- Austria noted there is no comprehensive universal legal norm prohibiting use, transfer, and possession of nuclear weapons.
- Austria argued that international environment law

and health regulations are also valid in conflict and also cover aspects of nuclear weapons.

- Niger called for adopting a convention on nuclear disarmament.
- Indonesia called for a NWC, including no use, no testing, and no production of nuclear weapons.
- Bangladesh called for abolishing nuclear weapons in a time-bound manner.
- Slovakia believed there is a need for a set of legal tools.
- Netherlands does not believe that there is a legal gap in relation to article VI.

Step-by-step

- Netherlands supported the step-by-step approach but suggested states can approach several steps at once.
- Slovakia and Turkey supported a step-by-step or building block approach.

“P5 process”

- Netherlands welcomed the P5 glossary and looked forward to the next step, since many terms were not included.

Modernisation

- Egypt condemned modernisation of nuclear arsenals and questioned the commitment of the NPT nuclear-armed states to the NPT.

Reductions

- Netherlands welcomed efforts in reductions and transparency from the NPT nuclear-armed states, but highlighted that more transparency is needed.
- Netherlands called for launch on warning alert levels to be removed from national security doctrines.
- Slovakia and Turkey welcomed the reductions made by NWS.

Nuclear “deterrence” and security doctrine

- Netherlands asked if NPT states can agree to further reduce the role of nuclear weapons in military doctrines.
- Indonesia called for nuclear weapons to be removed from security doctrines.
- Algeria, Netherlands, Slovakia and Turkey called for further reduction of nuclear weapons role in doctrines.

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News in Brief, continued

- Qatar expressed concern of nuclear security doctrines.
- Algeria emphasised that states should refrain from praising nuclear weapons and their security benefits.

Nuclear sharing

- Netherlands argued that NATO's strategic nuclear weapons remain under national control of the US at all times and are never transferred, therefore they are in fully compatible with NPT obligations.

Ukraine conflict

- Austria expressed concern about violation of the Budapest memorandum.
- Russia argued that the Budapest Memorandum is a political and not a legally-binding instrument and that they are not in violation of it.

Nuclear weapon free zones / negative security assurances

- Turkey, Egypt, and Syria called for the convening of the weapons of mass destruction free zone in the Middle East.
- Egypt says NWFZ can in no way represent an alternative for legally-binding NSAs.
- Brazil called on the NPT nuclear-armed states to withdraw any reservations from the relevant NWFZ.
- Brazil suggested to establish a NWFZ for the whole Southern Hemisphere.
- Austria regretted not being a part of a NWFZ although four of the five NPT nuclear-armed states have nuclear weapons based in Europe and it is therefore one of the most dangerous regions.

Review Conference outcome

- Ireland stressed that the cumulative evidence demands that a start to the discussions on the legal pathways for nuclear disarmament must be made now.
- Indonesia stressed that the HINW should be clearly reflected in the outcome document.
- Netherlands said it is open to new steps and has developed several suggestions in WP.16.

Other

- Bangladesh lamented billions of dollars being wasted on nuclear weapons when people are starving and struggling.
- Syria highlighted the ongoing violation of transfer of nuclear material to non-NPT states, for example Israel.

- Japan gave a joint statement on behalf of 73 countries, including 37 new countries, stressing the importance of nuclear disarmament education.
- Thailand stated that committed states parties and civil society should be commended for their persistence and productive contribution to the humanitarian process.
- Indonesia encouraged a "paradigm shift" to devalue nuclear weapons.
- Subsidiary body I met in a closed session in the afternoon.

*Main Committee II***NWFZ**

- Algeria, Costa Rica, Ireland, New Zealand, and Turkey expressed support for the establishment of a MEW-MDFZ.
- Turkey welcomed the signing of protocols of the CAN-WFZ by the NPT nuclear-armed states.

Safeguards

- Slovenia believed the state-level concept provides an adequate response to the challenges posed to the IAEA safeguards system.

Iran

- Ireland, New Zealand, Slovenia, and Turkey welcomed the recent agreement of the E3/EU+3 with Iran.

Exports

- Ireland highlighted the comprehensive Code of Conduct on military and dual use exports, which it and EU partners are subject to, as one of the strongest export controls.

Main Committee III

- During the discussions on specific issue I: Nuclear safety and related issues states highlighted important developments and made recommendations for the final report as below.
- France suggested specific modifications to Actions 57, 58, 59, 60, 61, 62, and 63.
- The Chair and Iran underlined that the conference should take into account all past outcome documents.

Accidents

- Argentina, Iran, Japan, New Zealand, Republic of Korea, Singapore, and Switzerland highlighted the Fukushima catastrophe and the important lessons learned.

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News in Brief, continued

- Greece, Iran, New Zealand, Singapore, Switzerland highlighted the trans-boundary effects of nuclear accidents.
- Argentina, Japan, New Zealand, ROK, Singapore, and Switzerland welcomed the IAEA Plan of Action on NuNNuclear Safety.
- New Zealand, ROK, Switzerland, and US highlighted the importance of the forthcoming final IAEA Fukushima Report.

Nuclear safety instruments

- Argentina, Singapore, Switzerland, UAE, and US welcomed the Vienna Declaration on Nuclear Safety.
- Argentina, France, and US welcomed the entry into force of the Convention on Supplementary Compensation for Nuclear Damage.

Transport

- Japan, New Zealand, and Norway highlighted the importance of communication during the transport of radioactive materials.

- New Zealand and Norway welcomed the recently agreed guidelines on this issue contained in IAEA document INFCIRC/863.
- Japan highlighted the importance of further improving national, bilateral, regional, and international emergency preparedness and response mechanisms.

Further suggestions

- The US referred to further recommendations contained in WP.46.
- France highlighted further recommendations in WP.11 and WP.12.
- New Zealand and Norway highlighted further recommendations contained in WP.1.
- Iran reiterated NAM suggestions on nuclear safety and highlighted further recommendations contained in WP.24. •

EVENT: CONSIDERATION OF THE HUMANITARIAN INITIATIVE IN THE NPT

Susi Snyder | PAX

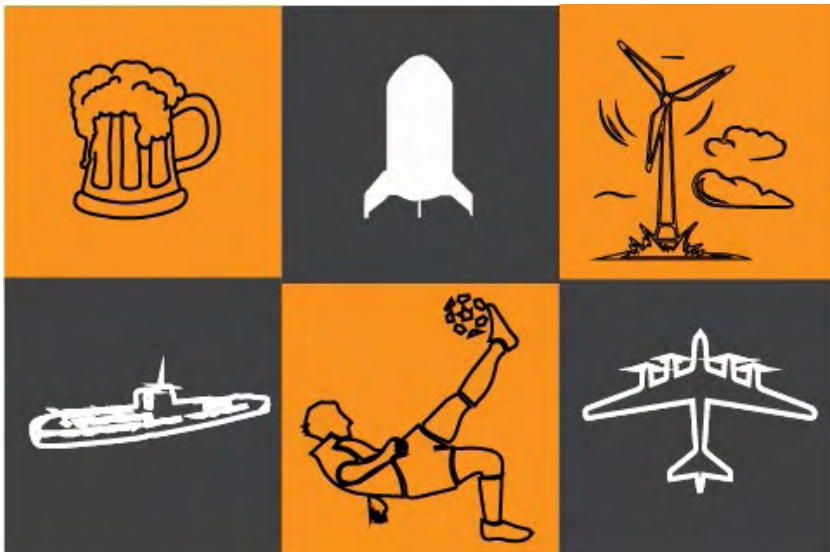
It was a long name for an event title, and a packed room—not with those who are “completely converted,” as was joked during the opening. Speakers at the event were Paola Ramirez of Mexico, Sten Arne Rosnes of Norway, Gaukhar Mukhatzhanova of CNS, and Tim Caughley of UNIDIR. Ambassador Alexander Kmentt of Austria chaired the session. It was an opportunity to reflect on the outcomes of the three conferences on the humanitarian impact of nuclear weapons and to launch an Austrian conference report, which also includes chair’s summaries from Oslo and Nayarit.

Sten Arne Rosnes described the three conferences as the most positive contribution to the Review Conference related to Article VI, and reiterated that the concerns about the humanitarian consequences of nuclear weapons are shared by all states. Paola Ramirez said that since these conferences, it is no longer possible to consider nuclear weapons solely through a military and strategic lens. She argued that from this point forward nuclear weapons discussions must always be in consideration of their humanitarian consequences. Tim Caughley reflected on the HINW process and noted how these conferences have also resulted in some significant products. He suggested that the information gleaned from these studies and presentations reaffirms

the idea that any use of nuclear weapons would be incompatible with international law and international humanitarian law.

Laughter filled the room when Gaukhar Mukhatzhanova talked about the humanitarian initiative as therapy for the NPT. It’s a way to air out the divisions between states, and not just between the nuclear-armed and others. The humanitarian imperative also shines a new light on the states that advocate for disarmament while still relying on nuclear weapons in their security strategies and doctrines. This initiative also shifts the discussion to why the weapons are unacceptable and should be eliminated, instead of how. This is a change from focusing on the steps, and instead illuminates the imperative for action, something much more relevant to the majority of states and the general public.

The discussion following the presentations sought ways to bridge the gap between the sides on the humanitarian consequences issue, with all panelists reaffirming that the majority has made it clear: the use of nuclear weapons is unacceptable under any circumstances, and that this is a principled position. Those who emphasise the step-by-step path as the only way forward are the same states that refuse to take the first step. And compromise is not concession to a minority viewpoint. •



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DUTCH GOVERNMENT DEFENDS NUCLEAR SHARING AT THE NPT REV CON

Susi Snyder | PAX

In a surprising statement this morning at the disarmament committee of the NPT Review Conference, the Dutch delegation defended nuclear sharing practices. Ambassador Henk Cor van der Kwast said, "Some have raised the issue of nuclear sharing. This issue was addressed when the NPT was negotiated. At that time basing arrangements existed and were made clear to negotiating delegations and were made public." Unfortunately, this is not accurate.

In February 1969, six months **after** the NPT signing ceremony, the then deputy director of the US Arms Control and Disarmament Agency (ACDA), Adrian Fisher, told the Senate Foreign Relations Committee that the Questions on the Draft Non-Proliferation Treaty asked by US allies, together with Answers given by the United States, "were made available to key members of the ENDC [Eighteen Nation Disarmament Committee]. They have now been made available to all members of the UN, and an indication that this is the way the United States proposed to proceed. There has been no indication of objections."

At the most, the Questions and Answers were shown to a limited number of nations prior to the opening of the Treaty for signature. Although they were published later in the volumes on US Senate hearings on ratifica-

tion of the NPT, many countries may not have been made aware of these interpretations prior to signing and/or ratifying the Treaty. They would, therefore, have been unable either to consent or object. The assertion that this issue was addressed at the time of negotiation is a false re-interpretation of history.

The outcome documents from previous NPT meetings, notably the 1985 outcome document, specifically reject the claim that nuclear sharing is acceptable. Belgian, Dutch, German, and Italian pilots continue to train to accept command and control of nuclear weapons, to drop nuclear bombs. That acceptance of control, regardless of arrangements put into place before this Treaty entered into force, are a direct violation of both articles I and II of the Treaty. Thus it is also unfortunate that the Dutch are attempting to justify a policy that clearly contradicts the 2010 agreement under Action 1 of the consensus outcome, "All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons."

The Dutch public has overwhelmingly rejected nuclear weapons in repeated opinion polls, and the Dutch parliament has repeatedly agreed on motions to reduce Dutch reliance on nuclear weapons. It's time for the government to listen. •

EVENT: NUCLEAR SUPPLIERS GROUP - ENHANCING TRADE AND COOPERATION

Emily Watson | *Reaching Critical Will* of WILPF

Organised by Argentina, this event focused on current projects of the Nuclear Suppliers Group (NSG) and plans for the future. Speakers included Ambassador María Cristina Perceval, Permanent Representative of Argentina to the United Nations; Ambassador Rafael Mariano Grossi, Chair of the NSG; and Mr Richard Goorevich, Chairman of the Consultative Group of the NSG.

Ambassador Perceval noted that the NSG's promotion of the peaceful uses of nuclear energy aligns with NPT commitments. Argentina joined the NSG in 1994 and hosted a plenary meeting in 1996. Initiatives organised by the NSG have contributed to transparency in nuclear security.

Ambassador Grossi explained that the NSG establishes how best to implement Article III of the NPT. Standards for export controls on fissile material must be common to all states. Public guidelines produced by the IAEA assist the NSG in this work. Standards reached by the NSG must reflect understandings reached in the UNSC and the IAEA Additional Protocols. Suppliers and receivers of nuclear materials must operate in transparency on a level playing field. The NSG runs outreach programmes such as seminars. Advice is provided at the request of states parties and technical experts are engaged in discussions. Plenaries should "not be ritual-

istic," but should "make the system more transparent." Grossi disputed claims that the NSG wants to prevent other countries from obtaining technology for development. Since the adoption of NSG guidelines, nuclear exports have actually increased.

Ambassador Goorevich explained that the consultative group liaises on technicalities and tries to strengthen controls whilst not imposing financial burdens on exporters. It takes issues of national implementation into consideration. Goorevich noted that non-nuclear materials are more frequently discussed than nuclear materials. A 2010 meeting investigated nuclear and dual-use technologies together for the first time in ten years. As technology advances, it is important that export controls retain their strength. Access to technology must be balanced.

In the questions and answers, Chile noted its willingness to contribute to discussions and Argentina maintained it would work with Chile to this end. It was revealed that the requirements states must meet to join the NSG are confidential, however, it is known that states must both be part of the NPT and deal in nuclear materials. There is debate within the NSG on the loosening of entry criteria. •



CALENDAR OF EVENTS

When	What	Where	Who
8:00-8:50	Abolition Caucus	Conference Room C Conference Building	
9:00-9:50	Government briefing for NGOs: Indonesia, Thailand, Philippines	Conference Room C Conference Building	Reaching Critical Will
10:00-13:00	Main Committee I	Conference Room 1	
10:00-13:00	Subsidiary Body II	ECOSOC	
10:00-11:30	The Global Challenge of Reprocessing and Plutonium Disposal	Conference Room C Conference Building	International Panel on Fissile Materials
11:30-13:00	Briefing on Japan's pluto- nium	Conference Room C Conference Building	Peace Boat and Citizen's Nuclear Information Centre (CNIC)
13:15-14:30	Raising the Voices of the Hibakusha: The Humanitar- ian Consequences of Nuclear War	Conference Room C Conference Building	Hibakusha Stories, Peace Boat
13:15-14:30	WMDFZ in the Middle East- What now?	ECOSOC	United Kingdom
13:15-14:30	Nuclear Civilian Cooperation	Conference Room 7	France
13:15-14.30	NPT Review Conference on topic of Zangger Comm ittee	Conference Room E Conference Building	Canada
13:30-14.30	UK-Norway Initiative: Infor- mation Barrier	Conference Room D Conference Building	United Kingdom
15:00 -18:00	Main Committee II	ECOSOC	
15:00 -18:00	Main Committee III	Conference Room 1	
15:00-17:00	Society and Governments' Attitude Toward the Nuclear Weapons: A Proposal From the Youth of Nagasaki	Conference Room C Conference Building	Nagasaki Youth Delegation

