



**STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE**

2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

UN Headquarters: 27 April – 22 May 2015

New York: 18 May 2015

The 2015 NPT Review Conference opened at UN headquarters on 27 April and will continue till 22 May 2015.

On Monday, 18th May, the **revised draft Chair's Report of Main Committee (MC) I** was discussed in Main Committee I in the morning and the afternoon sessions. MC.II and SB.2 met in the morning and afternoon sessions, respectively to consider the draft Chair's report of MC.II while discussions continued in SB.2 on the Middle East, and MC.III met in the afternoon session to review the draft Chair's report of MC.III.

In Main Committee I, some 19 statements were made on the revised draft Chair's report: Non-Aligned Movement delivered by Iran, Russian Federation, Sweden, France, New Agenda Coalition delivered by New Zealand, Netherlands, Cuba, Australia, United States, Costa Rica, United Kingdom, Egypt, Mexico, Algeria, Germany, Republic of Korea, Spain, Japan, Austria, Canada, Chile, Marshall Islands, Ireland, Philippines, Thailand, Hungary, China, South Africa, Brazil and Palau.

All statements expressed appreciation for the efforts of the Chair on MC.I in trying to bridge the differences in the revised report, they noted that further work remained to be done and that negotiations were required between the delegations to be able to produce an agreed text.

The main sticking points were the differences between the NNWS and the NWS on the humanitarian impact of nuclear weapons and how nuclear dangers called for defining “effective measures” as called for in Article VI of the NPT to implement nuclear disarmament along with defined benchmarks and timelines. The NWS were adamant in rejecting any benchmarks or timelines, nor did they accept that the risk of nuclear weapons had increased whether by accident or by design, or that any credible new information was available on the devastating consequences of nuclear weapons use.

Reflecting the views of the States advocating agreement on a process for nuclear weapon prohibition or ban in light of the catastrophic consequences of nuclear weapons, **Austria** expressed appreciation for the hard work and effort put in by the Chair to produce a strong and credible outcome document. Austria acknowledged that some of its concerns had been taken into account in the revised draft Chair’s report. However, it was concerned by the fact that the document kept getting weakened overall, in the face of an overwhelming majority calling for a strengthened document with clear obligations, concrete commitments and timelines.

There were several underlying assumptions of the document that concerned Austria as they seemed to undermine what was enshrined in the Treaty itself and what had been agreed since. Austria noted particular examples: • The overall assessment of the 2010 Action Plan had been that the nuclear disarmament related actions had failed to be implemented. Therefore the overwhelming

majority of States parties had demanded concrete benchmarks for the implementation over the next five years. How would States parties expect to apply the lessons learnt and strengthen implementation over the next cycle? In spite of this strong call, the current draft did not contain any concrete timelines or benchmarks.

- Second, the draft report underlined the importance of practical steps for the full realization and effective implementation of Article VI. Austria rejected this interpretation of Article VI that clearly, as confirmed by the ICJ legal opinion, was about legal measures. In this vein, the concept of “practical building blocks” should be clearly separated from the necessary legal provisions for the full implementation of Article VI.
- Third, there was a clear contradiction between the assertion that nuclear weapons would never be used again, and the rejection of the demand by 159 countries to confirm that *“it is in the interest of the very survival of humanity that nuclear weapons are never used again under any circumstances”*. Austria requested the re-insertion of this language.

In this context, Austria highlighted the importance of the issue of risk of nuclear weapon detonations to be duly recognized in the text in light of recent revelations about the protection of sensitive nuclear weapon sites.

- The “unequivocal undertaking by nuclear weapon States” as agreed in 2000 clearly spoke about the “elimination” and not “reduction” of all types of nuclear weapons. This undertaking must not be watered down said Austria.

Furthermore, Austria stressed that there were no conditions for this unequivocal undertaking to be pursued, therefore any reference to the language on international stability, peace and security and the principle of undiminished and increased security for all should be deleted.

- Austria noted that the highly disturbing nuclear weapon modernization programmes once more currently under way were not only not criticized strongly enough but the criticism was only limited to advanced new types. The humanitarian conclusions that

had been elaborated and presented in the course of this Review Cycle and were supported by an overwhelming majority of States, profoundly challenged the view that nuclear weapons can be seen as a tool to ensure security in the 21st century. Rather, nuclear weapons were seen by an increasing number of States as a high risk and ultimately irresponsible gamble based on an illusion of security and safety and as a threat to the security of all, NWS and NNWS alike. NWS were concerned that humanitarian initiative had the aim to make nuclear weapons illegal under international humanitarian law. In reality, though, it was not the *legality* of nuclear weapons that had emerged as the core issue or the key result of the humanitarian initiative. Rather, the *legitimacy* of nuclear weapons and a security approach based on nuclear deterrence were profoundly challenged by the findings of the humanitarian initiative.

Austria stated that nuclear weapons had *catastrophic humanitarian consequences*, their possession carried *unacceptable risks*, their use would be *illegal* - except perhaps for a small range of largely hypothetical scenarios - and the combination of these factors together with the underlying readiness to commit mass destruction made them *immoral*. These views were gaining significant ground in the international community, as evidenced currently at the NPT RevConf. It was highly problematic, if the NPT nuclear-weapon States which also were the five permanent members of the United Nations Security Council [and their allies] continued to advocate a security concept that was increasingly seen as illegitimate by the vast majority of States.

Austria stated that building the case for the illegitimacy of nuclear weapons based on their consequences and associated risks worked as a powerful set of arguments for disarmament and non-proliferation alike. The humanitarian focus and the resulting clear sense of urgency was thus perhaps the best hope to shore up support for the NPT and to create and maintain a strong nuclear

disarmament and non-proliferation regime. This was unfortunately not apparent in the current document. In this regard, Austria also requested that the report reflect that it was not only a majority of non-nuclear-weapon States that had engaged on the issue of the humanitarian consequences of nuclear weapons, it was the overwhelming majority, almost all had engaged on this issue.

With regard to the Austrian Pledge, Austria was extremely impressed by the strong level of support that its national pledge had received. Currently over 80 States had endorsed and/or supported this pledge with several more States indicating that they would do so in the coming days. Austria therefore considered it important to clarify that it was no longer a national pledge only but a pledge supported by almost half of the NPT membership. For this reason, Austria had included a revised Pledge Document on the website of the Austrian MFA to take the broad international support into account.

Sweden expressed continued support for the Chair's efforts to build consensus through a comprehensive approach. Although not all formulations were what Sweden would have preferred, it recognized that all sides had to make compromises for this Conference to be successful and to be able to adopt a strong outcome document that strengthened the Treaty and dealt with the security challenges and the risk of use with catastrophic humanitarian consequences. Sweden was pleased with paragraphs that had been strengthened or were kept as is, and these included paras and text on the humanitarian narrative, nuclear disarmament, nuclear weapon use, the CTBT, reporting, risk reduction, equal participation for men and women as well as the way ahead. However, there were a couple of paragraphs that had been weakened through the introduction of new elements that could not be accepted, such as preconditions for nuclear disarmament that were against the Treaty as well as commitments made in 2000 and 2010, and at the same time were not helpful in dealing with current

challenges. The achievement in 2000 was essential in that it clarified and took forward Article VI implementation through "an unequivocal undertaking by the NWS to accomplish the total elimination of their arsenals leading to nuclear disarmament to which State parties are committed under Article VI". At the same time, the NWS in a separate paragraph at the end of the 2000 agreement "reaffirmed that the ultimate objective of the efforts of states in the disarmament process is general and complete disarmament under effective international control". It was thus clarified without a doubt that nuclear disarmament was to be pursued as a matter of urgency, unequivocally, without conditions and without waiting for progress on other disarmament issues such as the disarmament of guns and rifles, sticks and stones and other conventional arms which some countries argued. The concept of general and complete disarmament thus needed to be removed as a condition. As a compromise, Sweden could accept to place it in a separate paragraph as in the previous version of the report. Also, the word "ultimate" needed to be removed altogether from the concept of "elimination of nuclear weapons" and nuclear disarmament. Having said this, Sweden had nothing against practical steps and acknowledged that these contributed to the implementation of Article VI. Sweden thus suggested that a new paragraph be added: "The Conference underlines the importance of practical steps for the systematic and progressive efforts to realize and implement article VI of the Treaty to reduce nuclear weapons globally with the goal of eliminating those weapons".

Equally important was that the unequivocal undertaking and the principles of irreversibility, transparency and verifiability could not be attached to conditions or pre-conditions which meant that the phrase "in a way that promotes international stability, peace and security and based on the principle of undiminished and increased security for all" had to be removed so as not to undermine the Treaty and commitments made in 2000 and 2010. As a compromise, similar language from the 2010 action plan or the

2000 agreement could be used and placed in a separate paragraph.

The statement of the **Non-Aligned Movement (NAM) delivered by Iran** noted that the second revision of the text did not contain the NAM main proposals, especially on nuclear disarmament which was the highest priority for NAM. While assuring the Chair of the full cooperation of NAM, NAM reiterated its expectation that its main concerns needed to be duly reflected in the next revision of the text. Accordingly, NAM called for the inclusion of the full implementation of the General Assembly Resolution 68/32 through which the General Assembly had called for the start of negotiations without further delay on a phased programme for the complete elimination of nuclear weapons within a specified framework of time and also strongly called for the immediate establishment, as the highest priority, in the Conference on Disarmament, of a subsidiary body to negotiate and conclude a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

The NAM noted that merely welcoming the UNGA resolution and making reference to its content, did not meet NAM's concerns. While such a paragraph should remain in its original place, another paragraph, calling for the full implementation of the UNGA resolution, needed to be included in the operative part of the text. In the same vein, NAM believed that the issues related to the plans for the modernization of nuclear weapons should also appropriately be reflected in the text. To that end, NAM proposed that the Review Conference should stress that reductions of nuclear weapons in deployments and in operational status cannot substitute for irreversible cuts and the total elimination of nuclear weapons and that such reductions were undermined by the modernization of nuclear weapons and their delivery systems and related infrastructure by the nuclear-weapon States. Accordingly, NAM

proposed that the Review Conference should call upon the nuclear-weapon States that while accelerating the reduction in their nuclear arsenals, weapons and their delivery systems, which should involve dismantling them, to undertake to prohibit completely nuclear weapons research, and to immediately cease all plans to further invest in modernizing, upgrading, refurbishing or extending the lives or other measures regarding the qualitative improvement of their nuclear weapons and related facilities and to end the production of new types of nuclear weapons.

The NAM expressed concern that the current text, except in the case of nuclear-weapon-free zones, did not contain any reference to negotiations on negative security assurances, while this was a longstanding demand of the non-nuclear-weapon States. This was a clear set back even from the very general language used in the 2010 conclusions and recommendations for follow-on actions. Issues related to security assurances were important for the NAM States parties, which were non-nuclear-weapon States. Accordingly, NAM asked for the inclusion of a standalone paragraph on security assurance in the operative part of the text through which the Conference called for the urgent commencement of negotiations on effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, by all nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty, pending the realization of the goal of total elimination of nuclear weapons.

On the issue of the use of nuclear weapons, NAM called for reaffirmation by the Conference that any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law, and that the mere possession of nuclear weapons was inconsistent with the principles of international humanitarian law.

On issues related to fissile materials, NAM supported the immediate commencement of negotiations within the Conference on Disarmament on banning the production of fissile materials for nuclear weapons and other nuclear explosive devices. NAM believed that all practical measures be included to eliminate past production and existing stockpiles of fissile materials for nuclear weapons and other nuclear explosive devices, in an irreversible and verifiable manner, taking into account both nuclear disarmament and nuclear non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the IAEA comprehensive safeguards.

The NAM attached great importance to the verification of the fulfillment of the nuclear disarmament obligations. While the text made references in detail to different initiatives on verification of nuclear disarmament obligations and commitments, it unfortunately did not reflect NAM proposals in this regard. Therefore, NAM called for incorporation of its proposal in the text. The NAM proposal was that the Review Conference should decide to establish a standing committee to monitor and verify the fulfillment by the nuclear-weapon States of their nuclear disarmament obligations under the Treaty, as well as the implementation of their unequivocal undertakings agreed at the Review Conferences of the Treaty, and to make recommendations to the Review Conference on the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

Main Committee I ended its work at about 16:30 in the afternoon, when it was clear that there was no agreement on the draft Chair's report and States did not respond to the Chair's query whether they would like to see another revision. By this time, States parties were

getting ready to go into Plenary session on Tuesday to negotiate text – also, there were reports that Presidents’ Consultations might commence with the involvement of a small group of States drawn from the various political and regional groupings and the NWS.

Looking Ahead

From Tuesday on, the Review Conference will meet in Plenary sessions to try to agree on a final document that would be assemble the draft reports of the Chairs of the three main committees and of the three subsidiary bodies.

Tariq Rauf
