

IV. Developments related to multilateral treaties and initiatives on nuclear arms control and non-proliferation

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Despite the importance attached to international efforts to achieve nuclear disarmament, in recent years many governments and civil society groups have expressed growing impatience with the lack of progress made in advancing the multilateral nuclear disarmament agenda at the Conference on Disarmament (CD) and elsewhere.¹ Efforts to promote an alternative dialogue on nuclear disarmament gained momentum in 2013 with the holding of the first international Conference on the Humanitarian Impact of Nuclear Weapons. The United Nations General Assembly also convened a new open-ended working group (OEWG) to develop proposals to advance multilateral nuclear disarmament negotiations.² Similar issues were raised at the 2013 meeting of the preparatory committee for the 2015 Review Conference of the 1968 Non-Proliferation Treaty (NPT), along with more traditional agenda items.³

During the year international attention also focused on finding ways to enhance and invigorate multilateral initiatives aimed at preventing the spread of weapons of mass destruction. This included the convening of a high-level meeting to mark the 10th anniversary of the Proliferation Security Initiative (PSI) during which participating states considered the lessons learned from PSI counterproliferation activities over the past decade.

International Conference on the Humanitarian Impact of Nuclear Weapons

On 4–5 March 2013 the first Conference on the Humanitarian Impact of Nuclear Weapons was attended by representatives of 127 governments as well as several UN organizations, the International Committee of the Red Cross and civil society groups.⁴ The conference was initiated and sponsored by Norway and took place in Oslo.

¹ On the CD see e.g. Acheson, R. and Dalbert, A., “The CD addresses Oslo: a “distraction,” or a dynamic opportunity?”, *Reaching Critical Will*, 5 Mar. 2013, <<http://www.reachingcriticalwill.org/disarmament-fora/cd/2013/reports/7467-the-cd-addresses-oslo-a-distraction-or-a-dynamic-opportunity>>. For a list of members of the CD see annex B, section I, in this volume.

² The OEWG was established by UN General Assembly Resolution 67/56, 3 Dec. 2012, and first met in Geneva in Mar.–Aug. 2013. See United Nations, General Assembly, ‘Proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons’, Note by the Secretary-General, A/68/514, 9 Oct. 2013; and UN General Assembly Resolution 68/46, 5 Dec. 2013.

³ For a summary and other details of the NPT see annex A, section I, in this volume.

⁴ Norwegian Ministry for Foreign Affairs, ‘The Norwegian Minister of Foreign Affairs, Mr Espen Barth Eide hosted 4–5 March 2013 an international conference on the humanitarian impact of

The purpose was to consider the humanitarian and environmental consequences of an accidental or intended use of nuclear weapons, with a view to building new momentum for nuclear disarmament outside of the deadlocked diplomatic forums. This focus reflected the 2010 NPT Review Conference's final document, which had expressed the parties' deep concern at the 'catastrophic humanitarian consequences' of any use of nuclear weapons and reaffirmed 'the need for all States at all times to comply with applicable international law, including international humanitarian law'.⁵

The substantive discussions at the meeting centred on three topics: the immediate humanitarian impact of a nuclear weapon detonation, the wider impact and longer-term consequences, and the humanitarian preparedness and response capacity after a nuclear detonation. The overarching conclusion from the sessions was that the international community could not adequately prepare for the impact of nuclear weapon use of any scale and hence must redouble efforts to outlaw and eliminate such weapons.⁶ At the end of the meeting, Mexico announced that it would host a second conference on the humanitarian impact of nuclear weapons, in 2014.⁷

The five NPT-defined nuclear weapon states—China, France, Russia, the United Kingdom and the United States—declined to send representatives to the 2013 conference. On 5 March they issued separate statements at the Conference on Disarmament expressing concern that setting up a new disarmament process would divert attention and resources from the CD's ongoing work on nuclear disarmament and complicate an upcoming Preparatory Committee meeting for the 2015 NPT Review Conference.⁸

Preparatory Committee meeting for 2015 Non-Proliferation Treaty Review Conference

The second session of the Preparatory Committee for the 2015 NPT Review Conference took place in Geneva, Switzerland, on 22 April–3 May 2013 under the chairmanship of Ambassador Cornel Feruta of Romania. The purpose of the Preparatory Committee meetings, which are held in the three years leading up to a quinquennial review conference, is to 'consider principles, objectives and ways in order to promote the full implementation

nuclear weapons', 11 Mar. 2013, <http://www.regjeringen.no/en/dep/ud/selected-topics/humanitarian-efforts/humimpact_2013.html>.

⁵ 2010 NPT Review Conference, Final Document, NPT/CONF.2010/50 (Vol. I)*, 18 June 2010, para. 80 and p. 19.

⁶ Schmitt, A., 'Impacts of nuclear weapons use discussed', *Arms Control Today*, vol. 43, no. 3 (Apr. 2013); and International Campaign to Abolish Nuclear Weapons, 'Humanitarian impact of nuclear weapons', 4 Mar. 2013, <<http://www.icanw.org/action/humanitarian-impact-of-nuclear-weapons-4-5-march/>>.

⁷ Mexican Ministry of Foreign Affairs, 'Second Conference on the humanitarian impact of nuclear weapons', 30 Nov. 2013, <<http://www.sre.gob.mx/en/index.php/humanimpact-nayarit-2014>>.

⁸ Acheson and Dalbert (note 1).

of the Treaty, as well as its universality, and to make recommendations thereon' to the review conference.⁹ At the 2013 meeting, the parties examined progress towards fulfilling the commitments made at the 2010 NPT Review Conference and held discussions on a wide range of issues related to the three main pillars of the NPT: nuclear energy, nuclear disarmament and non-proliferation.

Many of the statements made at the meeting reflected the increased prominence given to the humanitarian dimension of nuclear weapons and disarmament. On 24 April, 80 non-nuclear weapon states, comprising a newly formed group known as Humanitarian Initiative, signed a joint statement expressing deep concern about the catastrophic humanitarian impact of nuclear weapons and demanded their recognition 'as a fundamental and global concern that must be at the core of all deliberations on nuclear disarmament and nuclear non-proliferation'.¹⁰ A similar statement issued at the Preparatory Committee meeting in 2012 had attracted only 16 state signatures.¹¹

The Preparatory Committee meeting was dominated by a dispute over the failure to convene a conference on establishing a zone free of weapons of mass destruction (WMD) in the Middle East. The commitment to hold the meeting by the end of 2012 was a key element of the action plan contained in the final document of the 2010 NPT Review Conference.¹² However, in November 2012 the conveners—Russia, the UK and the USA—had announced that the conference would be postponed.¹³ A key stumbling block had been the unresolved disagreement between Israel and Arab states over the terms and conditions for convening the WMD-free zone conference. At the time of postponement, no deadline was set for rescheduling or holding the conference.

On 29 April Egypt announced that it was walking out of the Preparatory Committee meeting to 'send a strong message of dissatisfaction with the lack of seriousness in dealing with the issue' of scheduling the Middle East WMD-free zone conference.¹⁴ It was the first such walkout by a delegation

⁹ 1995 NPT Review and Extension Conference, Final Document, 11 May 1995, NPT/CONF.1995/32 (Part I), Annex, Decision 1.

¹⁰ 2nd Session of the 2015 NPT Review Conference Preparatory Committee, Joint statement on the humanitarian impact of nuclear weapons, Delivered by Ambassador Abdul Samad Minty, Permanent Representative of South Africa to the United Nations at Geneva, 24 Apr. 2013. Documents and statements from the Preparatory Committee meeting are available at <<https://www.un.org/disarmament/WMD/Nuclear/NPT2015/PrepCom2013/>>.

¹¹ 1st Session of the 2015 NPT Review Conference Preparatory Committee, Joint statement on the humanitarian dimension of nuclear disarmament, Delivered by Ambassador Benno Laggner, Swiss Federal Department of Foreign Affairs, Geneva, 24 Apr. 2013, <<https://www.un.org/disarmament/WMD/Nuclear/NPT2015/PrepCom2012/statements.html>>.

¹² 2010 NPT Review Conference (note 5), pp. 29–31.

¹³ Hart, J., 'Chemical weapon arms control and disarmament', *SIPRI Yearbook 2013*, p. 370.

¹⁴ 2nd Session of the 2015 NPT Review Conference Preparatory Committee, Statement by Ambassador Hisham Badr, Egyptian Assistant Minister of Foreign Affairs, Geneva, 29 Apr. 2013.

in the history of the NPT. Egypt had long been one of the main proponents of establishing a WMD-free zone in the region. Earlier in 2013 the League of Arab States had said it would consider boycotting the upcoming Committee meeting if a date for the conference were not set soon; but no other delegations followed Egypt's lead.¹⁵ However, many Arab states supported Egypt's assertion that the failure to schedule the conference was a clear breach of the 2010 Action Plan and another failure to implement a key NPT commitment.¹⁶

Proliferation Security Initiative summit meeting

On 28 May 2013 representatives from 70 governments gathered in Warsaw, Poland, for a high-level political meeting to mark the 10th anniversary of the Proliferation Security Initiative.¹⁷ Announced by US President George W. Bush in May 2003, the PSI consists of a set of agreed principles under which participating countries are allowed to search aircraft and ships carrying suspect cargo and seize illegal weapons or missile and nuclear technologies. Sometimes described as 'an activity, not an organization', the PSI currently had 102 participating states by the end of 2013 but does not have an institutional framework or permanent staff.¹⁸

One of the main goals of the high-level meeting was to consider ways to enhance and invigorate the PSI's role in countering the spread of WMD based on lessons learned over the past decade.¹⁹ The participating states endorsed four joint statements that set out practical steps to further develop the initiative. These included deterring proliferators through more regular and robust PSI exercises; negotiating legally binding international treaties to criminalize international WMD-related trafficking by commercial ships and aircraft; sharing expertise and resources to build interception capabilities and practices; and expanding the influence of the PSI globally through outreach to new states and the public. Pursuant to implementing the steps, the USA and five other states agreed to form an annual rotation of PSI exercises in the Asia-Pacific region to help

¹⁵ Grossman, E. M., 'Egypt stages walkout over failure to convene Mideast WMD summit', Global Security Newswire, 30 Apr. 2013, <<http://www.nti.org/gsn/article/egypt-stages-walkout-over-failure-convene-mideast-wmd-summit/>>.

¹⁶ Johnson, R., 'The NPT's "unacceptable and continuous failure": Egypt walks out', Acronym Institute for Disarmament Policy, 1 May 2013, <<http://www.acronym.org.uk/articles-and-analyses/npt-s-unacceptable-and-continuous-failure-egypt-walks-out>>.

¹⁷ US Department of State, 'Proliferation Security Initiative 10th anniversary high-level political meeting outcomes', 28 May 2013, <<http://www.state.gov/r/pa/prs/ps/2013/05/210010.htm>>.

¹⁸ For a list of the participating states see annex B, section III, in this volume.

¹⁹ For an analysis of operational, political and legal challenges facing the initiative see Dunne, A., *The Proliferation Security Initiative: Legal Considerations and Operational Realities*, SIPRI Policy Paper no. 36 (SIPRI: Stockholm, May 2013).

strengthen the capacity of partner states to intercept WMD-related cargoes.²⁰

The steps were approved against the background of congressional criticism in the USA that the PSI had been allowed to 'languish' by the US administration, as evidenced by a declining number of interception efforts since 2009.²¹ However, some observers pointed out that the clandestine nature of the PSI operations, which often involved sensitive intelligence cooperation, made it difficult to identify the initiative's specific accomplishments or credibly assess its overall cost-effectiveness.²²

²⁰ US Department of State (note 17).

²¹ Williams, I., 'Proliferation Security Initiative: ten years on', *Arms Control Now*, 28 May 2013, <<http://armscontrolnow.org/2013/05/28/proliferation-security-initiative-ten-years-on/>>.

²² See Dunne (note 19); and Oswald, R., 'U.S.-led WMD interdiction program could do more, GOP lawmakers say', *Global Security Newswire*, 14 Mar. 2013, <<http://www.nti.org/gsn/article/us-led-wmd-interdiction-program-could-do-more-gop-critics-say/>>.