

III. Developments in multilateral arms control and disarmament

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Progress in global efforts for nuclear disarmament, non-proliferation and arms control remained stymied in 2014, with continued stalemate at the Conference on Disarmament and at the Non-Proliferation Treaty Preparatory Committee. While there was an increase in the number of states supporting the Humanitarian Initiative on nuclear weapons, deep divisions emerged between the non-nuclear weapon states and the nuclear weapon states—as well as within the non-nuclear weapon states.

Conference on Disarmament

The Conference on Disarmament (CD)—the sole multilateral forum for negotiating multilateral arms control treaties—once again failed to reach consensus on a programme of work.¹ The CD held 29 informal plenary meetings and, among other things, discussed the following items on its agenda: cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war, including all related matters; prevention of an arms race in outer space; and effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons.² Negotiations could not be held on any item in the absence of an agreed programme of work.

The areas of disagreement pertain to a perceived lack of balance in the programme of work, with many states believing negotiations should commence on a Fissile Material Cut-off Treaty (FMCT), while parallel discussions take place on the prevention of an arms race in outer space, negative security assurances and nuclear disarmament.³

In March, the CD held a High Level Segment where foreign ministers addressed the Conference, taking advantage of their presence in Geneva for meetings of the Human Rights Council.⁴

In May Michael Møller, Acting Secretary-General of the CD and Acting Director-General of the United Nations Office at Geneva, proposed that although there was no consensus on starting negotiations on any of the

¹ United Nations, General Assembly, 'Report of the Conference on Disarmament', A/69/27, 30 Sep. 2014, para. 17.

² United Nations, A/69/27 (note 1), para. 12.

³ Conference on Disarmament, Decision for the establishment of a Programme of Work for the 2009 session, CD/1864, 29 May 2009.

⁴ Conference on Disarmament, 'Statements 2014', [n.d.], <http://www.unog.ch/_80256ee600585943.nsf/%28httpPages%29/bdf63df0419d84b7c125798e00329168?OpenDocument&ExpandSection=7#_Section7>.

CD's four core agenda items nonetheless there were areas of agreement and common ground on each issue. States could consider negotiations on areas of common ground with a view to eventually producing framework conventions to which substantive protocols may be subsequently negotiated and added. He recalled that the CD did not have to negotiate only legally binding instruments, but it could explore issues for which voluntary, politically binding regimes could be negotiated.⁵

The Group of Governmental Experts (GGE) established to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT), met from 31 March–11 April in Geneva Switzerland, chaired by Canada. The GGE heard initial presentations of expert perspectives on a range of potential aspects of a future FMCT. While there was wide agreement that such a treaty should remain a priority of the international non-proliferation and disarmament community, perspectives and positions of the Group diverged significantly. The GGE also focused on technical details on definitions and some aspects of verification. Many experts stressed the importance that the CD was the body to negotiate a FMCT, within the context of a balanced programme of work.⁶

Preparatory Committee for the 2015 Non-Proliferation Treaty Review Conference

The Preparatory Committee for the 2015 Review Conference of the Parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held its third and final session from 28 April–9 May 2014 at the United Nations in New York. Ambassador Enrique Romàn-Morey of Peru, representing the Non-Aligned Movement (NAM), chaired the session.⁷

The 2000 NPT Review Conference agreed on 'improving the effectiveness of the strengthened review process for the Treaty' and decided that at its 'third and, as appropriate, fourth sessions, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference'. It also 'agreed that the procedural

⁵ Conference on Disarmament, 'Acting Secretary-General of the Conference on Disarmament Michael Møller addresses delegations', Press release, 2 June 2014, <http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/676C6984B5C4F3BCC1257CDE00406225?OpenDocument>.

⁶ Conference on Disarmament (note 4).

⁷ 2015 NPT Review Conference Preparatory Committee, Final report of the 2015 NPT Review Conference Preparatory Committee, NPT/CONF.2015/1, 14 May 2014, p. 2.

arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee'.⁸

The first session of the Preparatory Committee adopted its agenda which included preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, 'in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference'.⁹

In addition to adopting the draft provisional agenda, the Preparatory Committee completed most of the other procedural arrangements for the 2015 Review Conference: it adopted the draft decision on the allocation of items to the Main Committees; recommended the draft rules of procedure; agreed to the schedule for the division of costs; and decided that the Chair of the third session of the Committee should open the Conference.¹⁰ The decision on establishing subsidiary bodies under each Main Committee was deferred to the Conference.¹¹ However, the Committee was unable to adopt recommendations to the Review Conference, as mandated under the strengthened review process, due to unresolved differences between the various regional groups and between the nuclear weapon states. The Chair then forwarded his recommendations to the 2015 NPT Review Conference under his own authority without prejudice to the position of any delegation or to the final outcome of the 2015 Review Conference.¹²

Many of the statements in the plenary focused on nuclear disarmament and the goal for achieving a world free of nuclear weapons, although marked by differences in supporting a step-by-step approach to nuclear disarmament or a direct move to a treaty prohibiting nuclear weapons.¹³ The five nuclear weapon states submitted national reports on their actions on nuclear disarmament in fulfilment of action 21 agreed at the 2010 NPT Review Conference.¹⁴

⁸ 2000 NPT Review Conference, Final Document Vol. I, NPT/CONF.2000/28, 2000, p. 20.

⁹ 2015 NPT Review Conference Preparatory Committee, NPT/CONF.2015/1 (note 7).

¹⁰ Rauf, T., '2014 NPT PrepCom: Day 1', SIPRI, 28 Apr. 2014, <<http://www.sipri.org/research/disarmament/2014-npt-prepcom/day-1>>.

¹¹ The Review Conference established 3 main committees to deal with nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy, respectively.

¹² Third Session of the 2015 NPT Review Conference Preparatory Committee, Chairman's Working Paper, Recommendations by the Chair to the 2015 NPT Review Conference, NPT/CONF.2015/PC.III/WP.46, 8 May 2014.

¹³ Rauf, T., '2014 NPT PrepCom: Day 3', SIPRI, 30 Apr. 2014, <<http://www.sipri.org/research/disarmament/2014-npt-prepcom/day-3>>.

¹⁴ The national reports submitted to the 2015 NPT Review Conference Preparatory Committee are available at: <<http://www.un.org/disarmament/WMD/Nuclear/NPT2015/PrepCom2014/documents.shtml>>.

Three informal meetings on the issue of the implementation of the 1995 Resolution on the Middle East and the related actions agreed by the 2010 NPT Review Conference were held in Glion, Switzerland between October 2013–February 2014 facilitated by Under-Secretary Jaakko Laajava of Finland and attended by the states of the region.¹⁵ The meetings sought to facilitate agreement on the arrangements for the Middle East nuclear weapon-free zone (NWFZ) conference to be held in Helsinki.¹⁶ Previously, the 2010 NPT Review Conference had called for a conference to be convened by 2012 but the US later announced that the conference had been postponed.¹⁷

In the statement of the Arab Group, delivered by Iraq, the Arab states collectively declared that the Middle East NWFZ conference must be held during 2014, and if the conference was not held by the time of the 2015 NPT review conference, they would reconsider their support for the indefinite extension of the NPT.¹⁸ This statement has been interpreted by some as an implicit threat to either leave the NPT or to reopen the issue of indefinite extension. They demanded that a definite date be set for the conference, blamed Israel for the delay and demanded that Israel accede to the NPT as a non-nuclear weapon state and place all of its nuclear facilities under comprehensive IAEA safeguards. The Russian Federation proposed that the conference be held in Helsinki on 1 December 2014 and that there was sufficient time to complete the arrangements for the conference by then.¹⁹ The United States reiterated its commitment to the conference but noted that in order for the conference to be convened there first needed to be a durable peace in the region, and resolution of Iran and Syria's non-compliance with their NPT obligations.²⁰ Ultimately, 2014 passed without the Helsinki conference being convened.

¹⁵ 1995 NPT Review and Extension Conference, Resolution on the Middle East, NPT/CONF.1995/32 (Part I), Annex, 1995; and 2010 NPT Review Conference, Final Document Vol. I, NPT/CONF.2010/50, 2010.

¹⁶ Rauf, T., 'NPT PrepCom 2014: Day 4', SIPRI, 1 May 2014, <<http://www.sipri.org/research/disarmament/2014-npt-prepcom/day-4>>.

¹⁷ US Department of State, Press statement by Victoria Nuland, Department Spokesperson, Office of the Spokesperson, '2012 Conference on a Middle East zone free of weapons of mass destruction (MEWMDZF)', 23 Nov. 2012, <<http://www.state.gov/r/pa/prs/ps/2012/11/200987.htm>>.

¹⁸ Rauf, T., 'NPT PrepCom 2014: Day 4' (note 16).

¹⁹ Rauf, T., 'NPT PrepCom 2014: Day 4' (note 16).

²⁰ Third Session of the 2015 NPT Review Conference Preparatory Committee, NPT Cluster 2: Regional Issues, Statement by the delegation of the USA, 1 May 2014, <<http://papersmart.unmeetings.org/media2/2927725/us-cluster-2-regional-statement-usa.pdf>>.

International Conferences on the Humanitarian Impact of Nuclear Weapons

The humanitarian dimension of nuclear weapons was first broached at the 2010 NPT Review Conference as an expression of the frustration by many non-nuclear weapon states and civil society over the lack of progress towards the prohibition of nuclear weapons. Subsequently, Norway convened the first international conference on this issue in 2013 in Oslo, Norway.²¹ Two further international conferences addressing the humanitarian impact of nuclear weapons took place in 2014 in Nayarit, Mexico, in February and Vienna, Austria, in December.

At the second International Conference on the Humanitarian Impact of Nuclear Weapons at Nayarit on 13–14 February 2014, delegations participated from 146 states, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement and civil society organizations. Participants discussed, among other things, the global and long-term consequences of any nuclear detonation whether by accident or deliberate decision. The meeting also considered the resulting consequences of a nuclear detonation for public health, humanitarian assistance, the economy, development and environmental issues, climate change, food security and risk management.²² None of the five nuclear-weapon states attended, while India and Pakistan took part as observers.

At the end of the conference, the ‘Chair’s Summary’ drew a number of conclusions, including that the effects of a nuclear weapon detonation were not constrained by national borders and that beyond the immediate death and destruction caused by a detonation, socio-economic development would be hampered and the environment would be damaged. The Summary also concluded that radiation exposure could result in short and long-term negative effects in every organ of the human body and would increase cancer risks and future hereditary pathologies. The Summary further noted that the risk of nuclear weapons use was growing globally as a consequence of proliferation, the vulnerability of nuclear command and control networks to cyber-attacks and human error; that the risks of accidental, mistaken, unauthorized or intentional use of these weapons grew significantly as more states deployed more nuclear weapons on higher levels of combat readiness; and that no state or international organization had the capacity

²¹ Norwegian Ministry of Foreign Affairs, Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, Norway 4–5 Mar. 2013, <https://www.regjeringen.no/en/topics/foreign-affairs/humanitarian-efforts/humimpact_2013/id708603/>. See also Kile, S., ‘Developments related to multilateral treaties and initiatives on nuclear arms control and non-proliferation’, *SIPRI Yearbook 2014*, p. 381.

²² Statement by Dr José Antonio Meade Kuribreña, Minister of Foreign Affairs of Mexico, Second Conference on the Humanitarian Impact of Nuclear Weapons, Nayarit, 13 Feb. 2014, <<http://en.sre.gob.mx/images/stories/cih/statementcancellernayarit.pdf>>.

to deal with the humanitarian assistance and protection needed in case of a nuclear weapon explosion.²³

The Vienna International Conference on the Humanitarian Impact of Nuclear Weapons was held on 9–10 December 2014. Delegations representing 158 states, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement, civil society organizations and academia participated in the conference, along with the *hibakusha* (survivors of the nuclear bombings of Hiroshima and Nagasaki).²⁴ Two of the nuclear weapon states attended the conference—the United Kingdom and the United States—and India and Pakistan also took part.²⁵

The conference reiterated the conclusions of earlier conferences that the impact of a nuclear weapon detonation—irrespective of the cause—could have wide-ranging impacts causing destruction, death and displacement that would not be constrained by national borders. In addition, it recognized the potential for profound and long-term damage to the environment, climate, human health and well-being, socioeconomic development, social order and could even threaten the survival of humankind. Further, it was concluded that the use and testing of nuclear weapons had demonstrated their devastating immediate, mid- and long-term effects and that as long as nuclear weapons exist, there remained the possibility of a nuclear weapon explosion. The conclusions also highlighted that no state or international body would be able to adequately address the immediate humanitarian emergency or long-term consequences for succeeding generations caused by a nuclear weapon detonation in a populated area.²⁶

At the closing of the Vienna Conference, Austria pledged, among other things, to follow the imperative of human security for all and to promote the protection of civilians against risks stemming from nuclear weapons. The pledge called on all nuclear weapons-possessing states to take concrete interim measures to reduce the risk of nuclear weapon detonations and called for the prohibition and elimination of nuclear weapons.²⁷

²³ Ministry of Foreign Affairs of Mexico, Chair's summary, Second Conference on the Humanitarian Impact of Nuclear Weapons, Nayarit, 14 Feb. 2014, <<http://en.sre.gob.mx/index.php/humanimpact-nayarit-2014>>.

²⁴ Vienna Conference on the Humanitarian Impact of Nuclear Weapons, Vienna, 8–9 Dec. 2014, Report and summary of findings of the conference presented under the sole responsibility of Austria, <http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Chair_s_Summary.pdf>.

²⁵ Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 'List of participants', <http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_participants.pdf>.

²⁶ Vienna Conference on the Humanitarian Impact of Nuclear Weapons (note 24).

²⁷ Vienna Conference on the Humanitarian Impact of Nuclear Weapons, Pledge presented by Austrian Deputy Foreign Minister Michael Linhart, 9 Dec. 2014, <http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Austrian_Pledge.pdf>.

While the Humanitarian Initiative had attracted the support of more than 150 states, significant divisions were exacerbated in 2014 between states that are members of the NATO nuclear-armed alliance, as well as states with bilateral defence arrangements with either the United States or Russia that include nuclear guarantees, and other states on the ways and means of pursuing nuclear disarmament. This was reflected at the United Nations General Assembly in October in statements by one group of 155 states and another by a group of 20 states.²⁸ Furthermore, the nuclear weapon states were split: while the UK and the USA attended the Vienna Conference they opposed a prohibition of or convention on nuclear weapons and instead favoured a multilateral, step-by-step approach to nuclear disarmament.²⁹ The Russian Federation and France remained opposed to discussing the issue of the humanitarian consequences of nuclear weapons, as well as a convention on or prohibition of nuclear weapons.

²⁸ United Nations, General Assembly, First Committee, Statement by New Zealand, Joint statement on the humanitarian consequences of nuclear weapons, 21 Oct. 2014, <[http://www.un.org/disarmament/special/meetings/firstcommittee/68/pdfs/TD_21-Oct_CL-1_New_Zealand-\(Joint_St\)](http://www.un.org/disarmament/special/meetings/firstcommittee/68/pdfs/TD_21-Oct_CL-1_New_Zealand-(Joint_St))>; and United Nations, General Assembly, First Committee, Statement by Australia, Joint statement on the humanitarian consequences of nuclear weapons, 21 Oct. 2014, <http://www.un.org/disarmament/special/meetings/firstcommittee/68/pdfs/TD_21-Oct_CL-1_Australia.pdf>.

²⁹ Vienna Conference on the Humanitarian Impact of Nuclear Weapons, US statement during discussion/general debate, 9 Dec. 2014, <http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/Statements/HINW14_Statement_USA.pdf>; and Vienna Conference on the Humanitarian Impact of Nuclear Weapons, UK intervention, [n.d.], <http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/Statements/HINW14_Statement_UK.pdf>.