

Draft Paper of the (NAC/ NGO Expert Group) to the 1st NPT Review Prep Com at Vienna, May 2017

I. Recommendations

1. The Group of Non-Governmental Experts from countries belonging to the New Agenda Coalition (NAC-NGO Group) agrees with the analysis in the working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand, and South Africa representing New Agenda Coalition. *¹

We support, in particular, the following recommendations from the paper:

- Urgent action should be taken by the nuclear-weapon States to fulfill their obligations under Article VI of the NPT;
- As an interim measure towards nuclear elimination, nuclear-weapon States should remove operational nuclear weapons from high alert status, and take further steps to reduce the risks of nuclear detonation;
- Nuclear weapons modernization programs should be halted;
- All States Parties to the NPT, particularly the nuclear weapon States, should take further measures to implement the 1995 resolution on the Middle East for the establishment of a Middle East Zone free from nuclear weapons and other weapons of mass destruction;
- The NPT 2020 review cycle should take forward efforts to identify, elaborate and negotiate effective legal measures for nuclear disarmament, such as the legally binding agreement on the prohibition of nuclear weapons being negotiated pursuant to UN General Assembly resolution 71/258;
- Further measures must be taken to support disarmament education, including on the risks and catastrophic impact of nuclear weapons use.

*(NAC/NGO group Document NPT/CONF.2020/PC.1/WP.9)

The NAC-NGO Group makes the following additional recommendations:

- NWSs should desist from their policy of nuclear-sharing with NATO/NNWS and States that did not accede to the NPT, namely, DPRK, India, Israel and Pakistan;
- the UN General Assembly adopt a resolution at its 72nd Session deciding to hold, no later than 2019, of a UN Conference on Establishing a Middle East Zone Free from Nuclear Weapons and other Weapons of Mass Destruction (WMD);
- Negotiations should commence on a nuclear weapons convention, which would include the nuclear-armed States and would prohibit nuclear weapons and provide a phased program for their elimination;
- As an interim step, nuclear armed and allied states should and affirm the illegality of targeting populated areas with nuclear weapons, and negotiate an agreement affirming the illegality of any threat or use of nuclear weapons;
- Financial resources currently dedicated to the maintenance, modernization and deployment of nuclear weapons should be recalibrated, and redirected toward supporting peace, security and sustainable development;
- The treaty being negotiated pursuant to UNGA resolution 71/258 should include a prohibition on financing nuclear weapons;
- States should participate at the highest political level in the 2018 UN High Level Conference on Nuclear Disarmament, and use this conference to negotiate and adopt nuclear-risk reduction and disarmament measures;
- One of the measures to be adopted at the 2018 UN High Level Conference should be the implementation of a UN process for establishing a Middle East Zone and for the 2020 NPT Review Conference to review progress;
- The 2018 UN High Level Conference should be followed by a series of Nuclear Disarmament Summits that would elevate political attention, strengthen political will and foster international cooperation to achieve complete nuclear disarmament;
- The NPT, and all other multilateral nuclear disarmament processes, should provide for civil society participation through accredited non-governmental organisations being granted rights to speak and submit relevant materials.

II. Nuclear Disarmament

4. The NPT Treaty has not yield the expected results on nuclear disarmament since its entry into force in 1970 and since its indefinite extension in 1995 including the failure to establish a Zone Free of Nuclear and other Weapons of Mass Destruction in the Middle East, without which the 1995 decision of the NPT Indefinite Extension would have not been adopted. We are alarmed by the failure of the 2015 NPT Review Conference which added to the failure of implementing the outcomes of the 2000 and 2010 NPT Review Conferences.

5- Due to the shortcomings of the treaty implementation, we highlight the following:

a- The 2020 Review Conference is being prepared in the shadow of several failures; the first is the non-implementation of the 1995 Resolution on the Middle East, which was to us a pre-condition for the indefinite Treaty extension decision and part of the package of the 1995 Review Conference; otherwise we would have insisted to put to vote the draft decision on the indefinite extension of the NPT;

b- The NAC –NGO Group lament the Lack of political Will on the part of the NWSs to implement the outcomes of 2000 and 2010 Review Conferences and in particular the 2010 decision of convening the 2012 Conference on the Middle East;

c- In the 2000 NPT Review Conference, the Nuclear-Weapon States (NWSs) made an unequivocal commitment to implement 13 nuclear disarmament measures in the framework of NPT Article VI. In addition, the 2010 Review Conference agreed to seven nuclear disarmament additional measures. None of the 20 nuclear disarmament measures have been implemented by the NWSs. Hence the NWSs bona fide is thus questioned,

d- In the aftermath of the failure of the 2015 NPT Review Conference, NAC-NGOs are keen to save the future of the NPT and the non-proliferation regime. Hence we suggest that the UN Secretary General invites all Middle East countries, that have not yet done so including Israel, to accede to Weapons of Mass Destruction (WMD) instruments, namely the NPT, BWC and /or CWC and deposit

such instruments with the Security Council through the UN Secretary General before the start of the 2020 NPT Review Conference;

e- The negative statements made at the concluding session of the 2015 NPT Review Conference by US, UK, and Canada were made under the pretext of their opposition to the Middle East zone language of the draft final document of the conference, against the will of the overwhelming majority of the NPT States Parties. This is tantamount to the dictate of the minority. Hence the conference Rules of Procedures of the conference should be amended to ensure the respect of the democratic rules;

f- The review of the Rules of Procedures should also ensure a greater role for the civil societies/NGOs in the NPT review by allowing them to take part in all committees sessions in the process of the 3 pillars review and intervene in the deliberations through taking the floor after the delegations of the States Parties. This is the practice which is being followed in the Human Right's Council.

g- Nuclear Weapons States (NWS) must fully abide by their obligations derived from Articles I and VI of the NPT. Thus, NWSs should desist from their policy of nuclear-sharing with NATO / NNWS and States that did not accede to the NPT, namely, DPRK, India, Israel and Pakistan. This practice is violating the relevant NPT provisions.

h- In order to ensure the credibility of the NPT, including the implementation of Article VI and comply with the 1996 ICJ Advisory Opinion, a legally binding multilateral nuclear disarmament treaty should be negotiated without any further delay. To that end, the UN General Assembly adopted resolution 71/ __ stipulating the commencement of negotiations on a treaty to prohibit nuclear weapons, regardless of whether or not nuclear- armed and allied States join such a treaty. These negotiations already started in New York from 27 to 31st March 2017 in a negotiation committee that will resume its work on 15 June 2017

i- In addition, the General Assembly adopted resolution 71/75 which reiterated a request to the conference on Disarmament to commence negotiations to reach agreement on an international convention prohibiting the use or threat of use

of nuclear weapons with the objective of averting the humanity extermination genocide.

j- It is worth noting that achieving Nuclear disarmament at an early date by a legally binding international instrument will make the Middle East zone redundant. Thus, an immediate launch of negotiations should take place, without any further delay, to conclude an international convention which totally eliminates nuclear weapons in the world by prohibiting their production, acquisition, development, stockpiling, testing, transfer, use or threat of use, and stipulates their total destruction and elimination from the planet within a time-bound frame. In addition the General Assembly adopted resolution 71/54 entitled "Towards a nuclear- free world by a vote of 168".

k- In the framework of the 3rd pillar of the NPT Nuclear Weapons States (NWSs) must halt pressurizing the Non-Nuclear Weapons States (NNWs) which opt to exercise their inalienable right to enrich uranium for the peaceful uses of nuclear energy, in conformity with Article IV of the NPT treaty, in order to regain confidence in the non-proliferation regime.

l- The considerable financial spending currently dedicated to nuclear weapons and their maintenance should be recalibrated and devoted to support peace, security and sustainable development, together with the realization of dignified life for all human beings and the welfare of humanity.

m- Bearing in mind the shortcomings in the implementation of the NPT, particularly nuclear disarmament and the non-implementation of the establishment of a nuclear weapon-free zone in the Middle East, NAC/NGO Group is convinced that the 1995 decision on the indefinite extension of the Treaty should be revisited in the framework of the NPT Review Conference and be replaced by another decision which extends the treaty for five years subject to periodical reviews.

6. In light of the fragile international security environment, increased tensions in bilateral relations and a renewed tide of modernization and qualitative improvement of nuclear arsenals, the probability that a conventional conflict may escalate into a nuclear one is once again growing.

7. Leaving aside the risk from deliberate use of nuclear weapons and risks from non-State actors gaining access to them, another deeply worrying possibility, which was highlighted in the context of the Conferences on the Humanitarian Impact of Nuclear Weapons, was the hitherto little-understood risks of accidental or mistaken detonation.

8. Another worrying aspect in vulnerability of the technology used in nuclear weapons systems to cyberattacks, with serious implications for the probability of a nuclear detonation.

9. In NPT/CONF.2020/PC.I/WP.9, the New Agenda Coalition noted that they are “deeply concerned by the clear evidence of increasing challenges to the norm against the threat of use of nuclear weapons, as well as by recent developments in nuclear-weapon States aimed at modernizing and qualitatively improving these weapons, thus contributing to the renewed nuclear arms race. These developments, together with the failure to remove from high alert status operational nuclear weapons as a means of nuclear tensions, call into question the unequivocal undertaking of nuclear-weapon States to accomplish the total and irreversible elimination of their nuclear arsenals.”

10. The NAC-NGO Group joins the New Agenda Coalition to urge “all States parties to the Treaty to work together with a view to achieving a strong and united outcome in 2020, marking 50 years since the Treaty entered into force, which will reflect the urgency and significance of the issues addressed in the present paper and will reinforce the Treaty as a key source of nuclear disarmament obligations. (NPT/CONF.2020/PC.I/WP.9-dated March 2017)

11. The 2018 UN High Level Conference on Nuclear Disarmament provides an opportunity to elevate the political impetus for a nuclear-weapon-free world, and engage all States in the adoption and implementation of nuclear-risk-reduction and disarmament measures.

12. The NAC-NGO group calls on countries to initiate a series of *Nuclear Disarmament Summits* following the 2018 UN High Level Conference in order to elevate political attention, strengthen political will and foster international cooperation to achieve complete nuclear disarmament. ⁱ

13. The NAC-NGO group notes the growing international support for *Nuclear Disarmament Summits*, as expressed in the UN Secretary-General's Five-Point Proposal, parliamentary calls such as from Parliamentarians for Nuclear Non-proliferation and Disarmament, civil society calls such as from the Arms Control Association, and proposals in other working papers submitted to the OEWG including the Working Paper submitted by the Middle Powers Initiative.

III. Nuclear-weapon-free zones, especially in the Middle East

14. Nuclear-weapon-free zones contribute to the achievement of a nuclear-weapon-free world by establishing regions where the threat, use, development, possession, testing and deployment of nuclear weapons is prohibited.

15. The prohibitions in nuclear-weapon-free zones are applicable to the states within the zone, and also to the nuclear-weapon-States who are invited to ratify additional protocols respecting the nuclear weapon prohibitions within the zones. These include security assurances not to threaten or use nuclear weapons against states parties to the zones.

16. As such, the zones strengthen the legal norms and proscriptions against nuclear weapons both regionally and globally.

17. The zones also demonstrate the capacity for States to achieve security without reliance on nuclear weapons, and codifies this commitment into legally binding measures.

18. Virtually all of the regions in NWFZs, prior to the establishment of the zones, had nuclear weapons related activities, States with nuclear weapons programmes, nuclear weapons deployed on territories, and/or States under extended-nuclear deterrence relationships. The establishment of such zones demonstrates the capacity for states to relinquish nuclear-weapons doctrines and activities in exchange for a nuclear disarmament regime based on cooperative or common security.

19. Currently there are proposals for NWFZs in the Middle East, North East Asia, Europe, the Arctic and the Baltic region. Establishing these zones as soon as possible would ultimately contribute to the achievement of a nuclear-weapon-free world in the future.

20. The establishment of a Middle East Zone free from nuclear weapons and other WMDs should be given particular attention given its unanimous support in the UN General Assembly and the agreements of the 1995 NPT Review and Extension Conference and the 2000 and 2010 NPT Review Conferences supporting the establishment of such a zone.

21. The NAC/NGO group calls for a follow-up on the decision of the 2010 NPT Review Conference to invite the United Nations Secretary-General and the cosponsors of the 1995 Middle East Resolution, in consultation with the States of the region, to convene a Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

22. It was not possible to hold such a conference in 2012 due to various political obstacles. However, since 2012, a number of key measures regulating WMD in the Middle East have been achieved and implemented through national action, diplomacy, cooperation and political will. These include the agreement on elimination of Syria's chemical weapons, the adoption of the joint Comprehensive Plan of Action (JCPOA)with regard to Iran and the implementation by various countries in the Middle East of national measures to secure nuclear and other WMD related materials and facilities.

23. In addition, in 2014 the UN Secretary-General received letters of support for a Middle East Zone from Algeria, Bahrain, Comoros, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates and Yemen; and from the non-member observer State of Palestine.

24. These developments increase the confidence in the possibility of holding a UN Conference on a Middle East Zone, if sufficient political will is forthcoming particularly from the relevant nuclear weapons States and Israel: Hence we call on the UN General Assembly to hold the said conference no later than 2019 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction (WMD).

IV. Nuclear disarmament education

25. Public awareness and understanding of the risks of nuclear weapons and the need for their prohibition and elimination are vital in order to build political will for achieving nuclear disarmament measures and to ensure sufficient support for their implementation.

26. The United Nations General Assembly in 2002 adopted the *UN Study on Disarmament and Non- Proliferation Education* which included a number of very useful recommendations to governments, civil societies and international organizations.

27. These included recommendations to governments to establish advisory bodies; circulate disarmament education materials to educational institutions and media; use electronic media and innovative educational methods; establish peace cities, parks and museums; inform and engage academics, parliamentarians, religious communities, unions, youth and civil society in disarmament issues; include parliamentarians and non-governmental advisers to UN disarmament related meetings; establish disarmament and nonproliferation education programmes for primary, secondary and university students; and provide funding support for NGOs with expertise in disarmament education.

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