



PAX recommendations to the Tenth NPT Review Conference

INTRODUCTION

The tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is significant as the year 2020 marked the 50th Anniversary of the treaty's entry into force and the 25th Anniversary of its indefinite extension. The NPT remains a cornerstone of the global nuclear disarmament and non-proliferation regime and has served as a foundation to be built upon - from Comprehensive Safeguards Agreements to the Comprehensive Test Ban Treaty and now to the Treaty on the Prohibition of Nuclear Weapons. The NPT has been integral to international peace and security with its safeguards and verification arrangements and facilitates international cooperation on peaceful uses of nuclear technology. It is important for States Parties to use the Review Conference as an opportunity to review the progress made in relation to the implementation of the treaty, including its nuclear disarmament obligations and to share plans to accelerate progress towards the total elimination of nuclear weapons.

Originally scheduled to take place in April 2020, the tenth NPT Review Conference has been postponed until January 2022 due to the COVID-19 pandemic. The months July and August will mark the 76th anniversary of the invention (July 1945) and use (August 1945) of the atomic bomb. The atomic bombings of Hiroshima and Nagasaki illustrated the catastrophic humanitarian consequences that result from a nuclear attack. With approximately 13,100 nuclear weapons still in existence, the devastation that would follow a nuclear war today would eclipse the bombings of 1945 to an incomparable degree.¹ In recent years, there has been a growing focus on the dangers of nuclear weapons and the major risk they pose.² It was this concern about the catastrophic humanitarian consequences of the use of nuclear weapons that paved the way for the negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017, which entered into force on January 22, 2021. Like the NPT itself, the preamble of the TPNW expresses deep concern about the "catastrophic humanitarian consequences" of nuclear weapons and recognizes the "consequent need to eliminate such weapons completely."³ The treaty sends a clear signal that most of the world does not accept nuclear weapons.

The contemporary global security environment calls for urgent progress in relation to nuclear disarmament. Newly emerging technological threats posed by cyber-attacks and artificial intelligence combined with nuclear modernization plans present unprecedented risks. These developments call for bolder action from all states. By ratifying the NPT, States Parties declared "their intention to achieve at the earliest possible date the cessation of the nuclear arms race at an early date and to nuclear disarmament."⁴ While an early date is long past, nevertheless States Parties could translate these words into action and restore faith in the vision that was laid out in the NPT. There already exist various action plans, stepping stones, and guidelines for joint action which enjoy support. These initiatives provide concrete measures that States Parties can take to eliminate nuclear weapons. Despite this, there still exists a lack of progress in nuclear disarmament. It is high time for States Parties to realize the dangers and political cost of their continued failure to deliver on their promises.

This NPT Review Conference presents an opportunity for States to make progress on nuclear disarmament. This paper outlines five recommendations which illustrate what can be done to generate the will needed for States to step towards nuclear disarmament – and at the same time, reduce the risks of the use of nuclear weapons.

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TPNW

The recent entry into force of the TPNW is an important step forward in creating a world free of nuclear weapons. The TPNW prohibits not only the use of nuclear weapons, but also the development, production, transfer, and possession of nuclear weapons. Furthermore, it forbids countries to assist or encourage others to engage in any of these activities.⁵ It is of great importance that all States Parties sign and ratify the TPNW. In doing so, States Parties will send a clear message that nuclear weapons pose an existential threat to humanity and that only their elimination can bring security.

Furthermore, treaties can be an effective vehicle for generating new international norms. History has shown that the prohibition of certain types of weapons facilitates progress towards their elimination. When certain weapons become prohibited, they are increasingly seen as illegitimate and lose their political status, and with this, it becomes harder for companies to continue to gather the resources needed to produce them.⁶ Moreover, the nested structure of international law means that a treaty may generate social pressures toward compliance even among states that have not signed or ratified a specific treaty. This is, for instance, illustrated by the Ottawa Treaty which prohibits the use, production, and trading of antipersonnel landmines. While a small group of countries, including landmine producers and users, remain formally outside the treaty, some of those countries, including China, India, Israel, Pakistan, Russia, South Korea, and the United States, have imposed restrictions on landmine exports. In the U.S., for instance, the Obama administration pledged to observe the obligations of the Mine Ban Treaty,⁷ and the country even contributes to victim's assistance and environmental remediation in relation to landmines.⁸

The TPNW can be seen as complimentary to the NPT, as the treaty itself also acknowledges that the implementation of the treaty "shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty."⁹ Furthermore, the TPNW acknowledges the importance of the NPT in creating international peace and security.¹⁰ The treaty demonstrates how Article VI commitments under the NPT can be fulfilled and presents an opportunity to further these obligations for states not yet party. As a whole and in its preamble, the TPNW is a powerful statement of the moral, political, and legal norms that drive the abolition of nuclear weapons.

Considering the above, PAX recommends that States Parties who have not yet joined the TPNW do so without delay and, if necessary, make changes to their policies and practices to respect the obligations and norms of the TPNW. If States Parties are not yet ready to join the TPNW, they should engage positively with the TPNW and its member states, by for instance, participating as observers during meetings of states parties to the TPNW. Additionally, States Parties should recognize the treaty as an important piece of the international legal architecture. Furthermore, even when states have not joined the TPNW, they should contribute to victim assistance and environmental remediation, following the example of the US regarding the landmine convention. Lastly, States should add the TPNW to the list of instruments States are called to support - like the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, or the start of negotiations on a treaty on fissile materials.

ENHANCING TRANSPARENCY

In the 2010 NPT Review Conference, all States Parties committed to applying "the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations."¹¹ Since then, however, two states have announced an end to transparency practices - the UK¹² and the US.¹³

The Non-Proliferation and Disarmament Initiative (NPD), a group of 10 NPT member states that focuses on taking forward the outcomes of the 2010 NPT Review Conference, has stated that "the principle of transparency, like those of irreversibility and verifiability, is indispensable for nuclear disarmament."¹⁴

Firstly, transparency is important in relation to the nuclear arsenals of the Nuclear-Weapon States (NWS). Increasing the transparency of nuclear weapons holdings helps to build confidence and trust among non-Nuclear-Weapon States (NNWS). At the Ministerial Meeting of the Stockholm Initiative for Nuclear Disarmament in February 2020, the ministers of 15 states already issued a joint statement in favor of maximizing transparency on nuclear weapons.¹⁵ States do not have to disclose all locations of their nuclear weapons, but it is important to have an accurate count of the number of nuclear weapons they possess. To simplify the counting process, States could simply report on the total number of nuclear weapons in their possession, without providing details about strategic vs. non-strategic weapons. States should, however, distinguish between deployed vs. non-deployed weapons, as research by SIPRI has shown that the number of deployed weapons increased in 2020.¹⁶

PAX recommends that the NWS provide an accurate count of the numbers of all nuclear weapons they possess both deployed and non-deployed; in calculating reductions, the NWS should not make a distinction between strategic and non-strategic (tactical) nuclear weapons.

Secondly, transparency is important in relation to the implementation of the NPT by all States Parties. The 2010 NPT Action Plan requests all states to submit regular reports on their implementation of the 2010 Action Plan and the previous practical steps they agreed to in 1995 and 2000.¹⁷ One of the stepping stones (action points) put forward by the ministers of 15 NPT states also urges States Parties “to report on their implementation of obligations and commitments under the NPT using a standardized reporting format, and to support proposals to strengthen reporting and transparency commitments.”¹⁸ At a 2012 NPT Preparatory Committee meeting, the NPDI proposed a draft reporting form for the five NWS for reporting on their nuclear warheads, delivery vehicles, nuclear doctrine, nuclear testing, fissile material and nuclear strategy.¹⁹ Furthermore, PAX also created an adaption of this form for countries who rely on nuclear weapons in their own security strategies and those who have bilateral nuclear umbrella agreements.²⁰ To date, however, relatively few States report on their national progress in implementing the 2010 NPT Action Plan and the NWS have not yet agreed on a standard reporting form called for in Action 21 of the 2010 Action Plan.

Regular standardized reporting provides an opportunity for objective analysis of the status of implementation of NPT agreements and would help to build trust and confidence among States Parties.

Therefore, PAX recommends that all States submit reports indicating their progress in implementing the 2010 Action Plan. In doing so, the NWS states should report on the subjects mentioned in the reporting form created by the NPDI and the NNWS that rely on nuclear weapons in their security doctrines should report on the topics listed on the reporting form created by PAX.

GENDER PERSPECTIVES

In recent years, increasing attention has been paid to the issue of gender in relation to the NPT Review process and nuclear weapons. In 2018, the Chairs’ factual summary stated that States Parties endorsed the fundamental importance of promoting the equal participation and leadership of both women and men in relation to the three pillars of the NPT. Furthermore, States Parties acknowledged that the disproportionate impact of ionizing radiation on women and girls should be factored into discussions during the next NPT Review Conference.²¹ The topics of gender diversity and gender perspectives are also considered in several working papers submitted to the 2019 Preparatory Committee.²²

Recent research shows that women are frequently underrepresented in international forums concerned with non-proliferation and disarmament, especially in leadership positions. In 2015, approximately 30 per cent of the participants in meetings of the treaty review process were women.²³ As women make up 50 per cent of the population, we should direct attention on improving the participation of women. Furthermore, research has shown that the use and testing of nuclear weapons has a disproportionate impact on women and girls. Women and girls are biologically more vulnerable to the harmful effects of ionizing radiation than men. A study performed among survivors of the bombings of Hiroshima and Nagasaki, for instance, showed that the risk of developing and dying of solid cancer due to ionizing exposure was nearly twice as high for women as for men. Furthermore, high doses of ionizing radiation can also have negative effect on pregnancies as it increases the chances of physical malformations and stillbirths.²⁴

Improving gender equality in terms of participation in the NPT review process could positively impact the effectiveness of the treaty process and its outcomes. Diverse teams are more innovative and take more sustainable decisions.²⁵ Furthermore, women should have equal opportunity to take part in decision making about matters that affect their lives, especially considering the gendered impact of nuclear weapons.

PAX encourages all States Parties to improve the equal, full, and effective participation and leadership of men and women in the treaty review process. All states should strive for gender parity on their delegations. Furthermore, all states should recognize gendered impacts of weapons and related technologies. Lastly, PAX urges delegations to incorporate a gender sensitive analysis across all three pillars, to better understand how national policies can reflect the diversity of impacts and needs associated with disarmament, non-proliferation, and the peaceful uses of nuclear technology.

NUCLEAR SHARING WITHIN NATO

NATO states currently hosting U.S. nuclear weapons (Belgium, Germany, Italy, the Netherlands, and Turkey) have an important role to play in the broader disarmament efforts. Currently, around 100 U.S. nuclear weapons are stored at European bases.²⁶ The continued stationing of nuclear weapons in NNWS, as well as the training of their military to use these weapons demonstrate preparation to violate Articles 1 and 2 which prohibit any transfer of nuclear weapons to non-nuclear weapon States.²⁷ Furthermore, it violates agreements made during the NPT Review Conference in 2010 to diminish the role of nuclear weapons in security doctrines²⁸, an outcropping from the previous agreement in 2000 for “further reduction of non-strategic nuclear weapons.”²⁹

There is no legitimate justification for the continued deployment of these weapons. The Dutch government’s adherence to their nuclear weapons task is not an allied obligation, but an individual (political) choice. The treaty that forms the basis for NATO, the North Atlantic Treaty (1949), does not mention anything about nuclear weapons.³⁰ The presence of US tactical nuclear weapons in Europe serves no military purpose as these weapons are mounted onto aircraft which do not possess the range to leave NATO’s territory.³¹ Furthermore, the presence of these weapons increases the risk of nuclear incidents, theft, accidents, or terrorist incidents.³² The Dutch House of Representatives has urged the Dutch government several times to play a more active role in the international disarmament debate.³³ Public opinion in the Netherlands and other European NATO member states also supports this.³⁴ Furthermore, there also exists historical precedent for the ending hosting agreements: the US has already removed its nuclear weapons from England,³⁵ Greece and Canada in the past.³⁶

Removal of the American nuclear weapons from the Netherlands minimizes the chances of the Netherlands becoming a target of a military attack and can serve as a confidence-building measure that illustrates the political will for disarmament. PAX urges NNWS with bilateral or alliance security assurances to declare that their national security is not reliant on nuclear weapons and explain that this policy adjustment is a result of an increased understanding of the catastrophic consequences of any use of nuclear weapons. NATO governments should acknowledge their responsibilities under the NPT and declare their willingness to eliminate the role of nuclear weapons in NATO and support the removal of American nuclear weapons stored in Europe so that Belgium, Germany, Italy, the Netherlands, and Turkey can be in unquestionable compliance with all their treaty obligations.

MODERNIZATION

The NPT is not simply a non-proliferation treaty, but it also urges States Parties to act in relation to disarmament. Twenty-five years ago, NPT States Parties agreed to key benchmarks at the historic 1995 Review and Extension Conference, including the commitment to the “complete elimination of nuclear weapons.”³⁷ Further commitments were made at the 2000 and 2010 Review Conferences. The 1995, 2000, and 2010 commitments with few exceptions remain relevant and important, but they have been unfulfilled.

Instead of focusing on disarmament, all NWS are either developing or deploying new weapon systems or intend to do so soon.³⁸ As part of their modernization plans, the United States, for instance, plans to replace all nuclear warheads deployed in Europe with the updated B61-12 bombs, which combine enhanced accuracy with low-yield options. These weapons form an increased risk as they might lower the threshold for nuclear use.³⁹ Furthermore, the UK government recently announced its plans to increase their nuclear weapon stockpile to 260 warheads and limit the information they provide about the number of operational warheads they possess.⁴⁰ With this decision, the UK joins China and Russia as an NPT country that announced the increase of their nuclear stockpiles. The UK has also committed to replacing its four Vanguard class SSBNs with new Dreadnought-class SSBNs and refurbishing its warheads for the Mk4A programme. Furthermore, it is designing a new warhead similar to the US W93.⁴¹ These modernization programmes of nuclear states undermine the credibility of their commitment to the NPT, and specifically their disarmament obligations under Article VI. Furthermore, the modernization of nuclear weapons systems also undermines the credibility of states calling for strengthening of the nonproliferation aims of the NPT.

All NPT-States Parties have a commitment towards a nuclear weapon free world, but ultimately, the NWS must assume their NPT responsibilities, including those that fall under Article VI. PAX urges NWS to terminate their modernization programs and to safely and irreversibly eliminate their nuclear arsenals. Furthermore, it calls on states hosting nuclear weapons or states protected by nuclear sharing or umbrella agreements to encourage NWS to declare that they will not modernize their weapons and weapons delivery systems, and to engage in negotiations to remove these weapons from their own security strategies.

CONCLUSION

The recent entry into force of the TPNW forms an important step in achieving a nuclear-weapons-free world. This new treaty is expected to have an impact on all states, as it furthers the norm that nuclear weapons should be eliminated. Considering these developments, it is time for States Parties to the NPT to deliver on the promises they have made over the years and to do everything within their power to prevent, in the words of the NPT preamble, “the devastation that would be visited upon all mankind if a nuclear war were to occur.”⁴² The time for excuses and unfulfilled promises is over. States Parties should do what they set out to do when the treaty was created 51 years ago, namely “to make every effort to avert the danger of such a [nuclear] war and to take measures to safeguard the security of peoples.”⁴³ Let the TPNW serve as an impetus to non-proliferation and nuclear disarmament. To this end, PAX urges the Netherlands to actively engage with NPT States Parties to achieve a positive outcome of the Review Conference.

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