



NUCLEAR BAN DAILY



Reaching Critical Will

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Nuclear Ban Daily is produced by Reaching Critical Will, the disarmament programme of the Women's International League for Peace and Freedom (WILPF) during meetings related to the UN conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading to their elimination, taking place 27-31 March and 15 June-7 July 2017. The views expressed in this publication are not necessarily those of WILPF.

Editor: Ray Acheson
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COMPREHENSIVELY BANNING THE BOMB

Ray Acheson | *Reaching Critical Will, Women's International League for Peace and Freedom*

Over the past two days, about 120 governments have participated in nuclear ban treaty talks. The high-level segment of the conference, scheduled to end on Monday, had to continue until Tuesday lunch due to overwhelming interest. States have clearly come prepared to the conference, indicating their determination to negotiate this treaty despite the opposition of the nuclear-armed states. As Ambassador Penelope Beckles of Trinidad and Tobago said, "We stand on the precipice of history as we seek to shatter the chronic stalemate that has existed in the field of nuclear disarmament and non-proliferation for far too long."

On Tuesday afternoon, delegates shifted from general statements to interventions specifically on the principles and objectives of the treaty that they would like to see included in the preamble. Most delegations emphasised the importance of anchoring the preamble in the humanitarian motivations that led to this treaty's negotiation. Most also spoke about ensuring the treaty articulate the incompatibility of nuclear weapons with international law. Virtually all delegations stated that the preamble must reflect the overarching objective of the total elimination of nuclear weapons.

However, there seems to be uncertainty amongst a few delegations about whether the treaty should refer to elimination in the preamble alone, or whether the treaty should also include an explicit prohibition on stockpiling. This question is made more complicated by the fact that some states have hinted that they would prefer to negotiate an "elimination treaty"—a treaty that sets out provisions for verified, time-bound nuclear disarmament. To address this issue, it is crucial to reflect on where we are now, and where we want to get to with this treaty.

Right now, this treaty is being negotiated almost exclusively by states that have reject-

ed nuclear weapons for their security and that do not possess or store nuclear weapons. This makes it unfeasible to negotiate a treaty that sets out timeframes and verification measures for nuclear disarmament. Negotiating such provisions now, amongst this set of states, does not get us where we need to go. The power of this treaty lies in its ability to compel nuclear-armed or nuclear-reliant states to change their practices and policies in order to facilitate the elimination of nuclear weapons in the future.

In order to so, the treaty needs to be strong in its prohibitions. The treaty should not simply refer to elimination of nuclear weapons as an objective in its preamble. Rather, the treaty should include a categorical prohibition on the stockpiling of nuclear weapons

The most fundamental element of the prohibition treaty is perhaps that no state can join the treaty and possess nuclear weapons. The Non-Proliferation Treaty only prohibits the possession of nuclear weapons by non-nuclear-armed states parties. The ban treaty must categorically prohibit the stockpiling of nuclear weapons by all states parties, without discrimination.

The ban treaty itself does not need to set out provisions for elimination. It would only need to require that any state joining the treaty eliminate its nuclear weapons. The Chemical Weapons Convention, for example, specifies that states parties must "undertake to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control."

Ban treaty states parties could agree that a nuclear-armed state that has decided to eliminate its nuclear arsenals could do so by negotiating a protocol or other agreement with the ban treaty states parties, with agreed timeframes and in accordance with agreed verification arrangements. This

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Editorial, continued

would allow a voice for ban treaty states parties in the manner in which the elimination takes place.

Some delegations have intimated that a prohibition treaty is only valuable if it is a “true disarmament treaty” or if it is “comprehensive”. But a prohibition treaty, even without specific provisions for elimination or the participation of nuclear-armed states, is both. It is a comprehensive prohibition on nuclear weapons, leading to their elimination.

A prohibition on stockpiling is part of what will make this treaty a piece of the “infrastructure” or “architecture” for disarmament. It is likewise important that the treaty prohibit any activities that facilitate the inclusion of nuclear weapons in strategic security doctrines, participation in nuclear war planning, or stationing, transfer, or acquisition of nuclear weapons.

The Netherlands, as the only country participating in these negotiations with an official position supporting nuclear weapons, argued that the ban treaty must be compatible with the obligations of the North Atlantic Treaty Organisation (NATO) as a nuclear alliance. This would be clearly unacceptable for a nuclear weapon ban treaty. There cannot be space for a state to join the treaty and continue justifying the potential use of nuclear weapons for its security. As Algeria’s delegation clearly stated, the ban treaty should explicitly reject the role of nuclear weapons on behalf of anyone’s security, whether in national, regional, or international doctrines.

These are not just principled positions. If we want the ban treaty to be effective in changing the policies and practices of nuclear-armed and nuclear-reliant states, then the treaty must prohibit the activities that enable the current policies and practices.

Speaking at the end of the high-level segment, Setsuko Thurlow, a survivor of the atomic bombing of Hiroshima speaking on behalf of the International Campaign to Abolish Nuclear Weapons (ICAN), urged governments to establish a strong legal standard against nuclear weapons that makes it clear “in no uncertain terms that nuclear weapons are illegitimate, immoral and illegal.”

It would be wise for states to heed her call. •

THE UK AND THE BAN TREATY

Dave Webb | *CND*

This meeting addressed the particular issues of the ban treaty that are likely to have the greatest impact on the UK. These issues were a) the Trident nuclear missile system as the one remaining nuclear weapons system of the UK; b) the very strong support in Scotland, by the public and the vast majority of politicians, for ridding the country of the Trident submarines based at Faslane; and c) now that the British Labour Party has a leader in Jeremy Corbyn who has worked for nuclear disarmament for many years, what position will they adopt to the ban treaty? The chair (Dave Webb, chair of CND) introduced the session and the three panelists - Tim Wallis (from the Quakers and author of “The Truth about Trident”); Janet Fenton (campaigner and activist from Scottish CND); and Fabian Hamilton MP (Labour Party Shadow Minister for Peace and Disarmament).

Tim described the main factors of the campaign against Trident in the UK over the last few years. These have included the cost of its replacement (recently agreed in parliament and estimated to be more than \$260 billion over its 35 year lifetime); its illegality under international law (and obligations of the NPT); and jobs that rely on building the submarines, which is countered by a need for diversification and more jobs in renewable energy production. Interestingly, a recent poll he commissioned indicates that over 75% of the British Public wants their government to participate in the ban treaty talks.

Janet outlined the significance of the success of the nuclear disarmament movement in Scotland. The proportional representation system for elections to the Scottish Parliament has resulted in an increased participation of women (37% of Members of the Scottish Parliament). This, and the fact that they have no say in the ‘reserved matters’ of defence and/or nuclear weapons plus a strong year-long NVDA campaign at Faslane has helped build an extremely strong anti-nuclear movement.

Fabian addressed the question of how the Labour Party, now the largest political party in Europe, might win over public opinion on nuclear disarmament before the next general election due in 2020. He demolished Trident as being independent or a deterrent but added that, following the vote in parliament to replace Trident, the idea of unilateral disarmament policy has been abandoned. This makes the ban treaty even more important as a way of stigmatizing the possession and threatened use of Trident. •



US NUCLEAR WEAPON MODERNIZATION: IMPLICATIONS FOR THE BAN TREATY

Ralph Hutchinson | Oak Ridge Environmental Peace Alliance

When the Trump Administration released its “skinny budget” in early March, nuclear weapons programs received the largest percentage increase of any federal agency, an 11.3% increase, indicating an acceleration of the ongoing program to modernize the US nuclear stockpile and production infrastructure.

Those numbers set the tone for the presentation by members of the Alliance for Nuclear Accountability (ANA) on the second day of the ban treaty conference. Rick Wayman of the Nuclear Age Peace Foundation moderated a panel that included ANA members Marlylia Kelley from Livermore, CA; Jay Coghlan from Albuquerque, NM; Ralph Hutchinson from Oak Ridge, TN; they were joined by Matthew McKinzie of the Natural Resources Defense Council and Hans Kristensen of the Federation of American Scientists.

Kelley began by explaining that the US is currently modifying warheads under the “Life Extension Program,” rapidly creating a stockpile “rife with novel military capabilities.” Plans to modify the W84 warhead to ride atop a cruise missile will result in a weapon former Secretary of Defense William Perry calls “uniquely destabilizing.”

The ongoing program of modifying existing weapons introduces new elements to the design, which in turn threatens a resumption of underground nuclear explosive tests. Kelly noted influential voices in the Trump Administration have long advocated a return to testing.

Coghlan said that responsibility for pit fabrication shifted to Los Alamos National Lab in the late 1980s, but repeated efforts to establish full-scale (80 warheads/year) production capacity have failed. The Trump Administration and a Republican Congress are likely to advance funding for new pit facilities at Los Alamos. “All of this is in the name of Stockpile Stewardship,” said Coghlan, “which is a fig leaf to disguise new weapons design.”

Hutchison reported on efforts to build a new bomb plant, the Uranium Processing Facility, in Oak Ridge, Tennessee. The UPF, dubbed the “tip of the spear” of modernization, would produce thermonuclear secondaries for US weapons for generations to come. Thus far, the US has spent \$3 billion on the design of the UPF bomb plant.

McKinzie and Christensen reprised their article in the recent edition of the *Bulletin of Atomic Scientists* on the technical changes made to the W-76 warhead in the fuzing mechanism. This modification, McKinzie said, increases the “certainty of success”—of a warhead destroying its target—significantly. Kristensen noted that enhancement to warhead capabilities allows reductions in the number of warheads in the stockpile without sacrificing destructive capacity.

More information on US modernization plans can be found in the Alliance for Nuclear Accountability’s *Trillion Dollar Trainwreck*. •



“We raise our voices in the name of sanity and the shared values of humanity. We welcome these negotiations, necessary to prohibit the worst weapon ever invented.” - From the Public Statement of Faith Communities Concerned about Nuclear Weapons, delivered on 28 March by Jasmin Nario-Galace, Pax Christi.

“Nuclear abolition is the democratic wish of the world’s people, and has been our goal almost since the dawn of the atomic age. Together, we have the power to decide whether the nuclear era ends in a bang or worldwide celebration.” (Archbishop Desmond Tutu, 2010) - From the interfaith vigil for the nuclear ban treaty conference, 28 March 2017. All are welcome, at 8:00-8:15 a.m. each day, the Isaiah Wall (1st Ave. between 42nd and 44th St.).



PROHIBITING NUCLEAR WEAPONS: PACIFIC & SOUTHEAST ASIAN PERSPECTIVES

Romy Ladowsky | ICAN Australia

Ms. Maria Ongra from the Permanent Mission of the Republic of the Marshall Islands spoke at the launch of ICAN's report on nuclear weapons in the Pacific and Southeast Asia. She stated resolutely, "We cannot expect a different result on nuclear weapons if everyone keeps repeating their deadlock positions. The world must be familiar with the stories from Marshall Islands and similar stories from around the world."

The story she told was about the 23 nuclear devices detonated by the United States, 1946-1958, at seven test sites on the land and reef, in the air and underwater. Equivalent to 7,000 times the force of the Hiroshima bomb, the tests had devastating consequences on the geology and natural environment of Bikini Atoll and on the health of those who were exposed to radiation.

It's a story that too many people don't know: a story that needs retelling. Panelist Sue Coleman-Haseldine, an Aboriginal Kokatha Mula woman and nuclear test survivor, shared in this disbelief about her own untold story. "When I first brought my story to Vienna," she said, "I was absolutely shocked at the amount of people who didn't know about Maralinga."

Maralinga was the site where Britain and Australia conducted twelve major nuclear test explosions and up to 600 so-called "minor trials" in the South Australian outback and off the West Australian coast. "These minor trials dispersed 24.4kg of plutonium in 50,000 fragments, beryllium, and 8 tons of uranium," she noted, explaining that her region has become the "cancer capital of the world" and that the displacement of people from their cultural and native homelands has created generational disorientation and disconnection. Yes, the Australian government knew that Aborigines inhabited this land, Sue explains, "but in 1967, we were still part of the flora and fauna; we weren't considered people."

These stories are not about bombs. They are invariably stories about people.

As Dr. Tilman Ruff, Associate Professor at the Nossal Institute for Global Health and Co-President of the International Physicians for the Prevention of Nuclear War, said that these tests "reveal a degree of radioactive racism that still persists to this day." How else can we explain why some areas are deemed in the "national interest" to test, while others are not? As Henry Kissinger is rumored to have said regarding testing in Micronesia, "There are only 90,000 people out there. Who gives a damn?"

Well, in 2017, it is clear that at least 120 countries do in fact give a damn, which is why they are participating in these negotiations.

Also seated on the panel were Professor Muhadi Sugiono, Director of the Institute of International Relations at Indonesia's Universitas Gadjah Mada, and Ms. Morakot Sriswasdi, Deputy Director-General of the Department of International Organisations at Thailand's Ministry of Foreign Affairs. The two spoke about the ASEAN commitment to a nuclear ban treaty and the Southeast Asian Nuclear-Weapon-Free Zone Treaty (SEANWFZ). They discussed the centrality of survivor stories and civil society organisations in educating their public and pressuring their governments.

These sentiments were echoed powerfully by Permanent Representative of Kiribati to the United Nations, Makurita Baaro. She reminded the room that, "At one point in time our realities were defined by the notion that the world was flat. That changed. At one point in time our realities were defined by the notion that slavery was an integral part of society. That changed as well. We cannot continue to define our reality as one where we need nuclear weapons as a means of deterrence. We need to move away from defining our normality in relation to nuclear weapons."

Ambassador Baaro's remarks, paired with the statements and sentiments from Pacific nations that have experienced firsthand the horrific outcomes of nuclear detonation and that take strong steps in the direction of disarmament, should stand as a reminder of the very human impacts at the heart of this nuclear story. It should stand as a call to all of us to demand a different story now and in the future. •



Ambassador Makurita Baaro of Kiribati

ADVANCING HUMANITARIAN DISARMAMENT THROUGH THE BAN TREATY

Bonnie Docherty | Harvard Law School's International Human Rights Clinic

Humanitarian disarmament law has revolutionized the international approach to nuclear weapons. Reframing the debate in terms of humanitarian effects, rather than national security, broke a decades-long deadlock on progress in nuclear disarmament and helped make UN negotiations of a ban treaty a reality. In addition, the precedent provided by existing humanitarian disarmament treaties has paved the way for including comparable provisions in the newest weapons treaty.

The nuclear weapons ban treaty will in turn have a significant impact on the future of humanitarian disarmament law, and states should make sure that that impact is a positive one. The new treaty should reinforce and strengthen this body of law so that international law continues to progress.

While earlier disarmament treaties prioritized the protection of national security, humanitarian disarmament law seeks to reduce the suffering of civilians caused by problematic weapons.¹ This legal framework emerged from the negotiations of the 1997 Mine Ban Treaty, and the success of the 2008 Convention on Cluster Munitions solidified its importance as a tool for civilian protection.

In addition to articulating a humanitarian purpose in their preambles, humanitarian disarmament treaties are characterized by three major types of provisions. First, they seek to prevent future harm, most notably through absolute prohibitions on the use, production, stockpil-

ing, and transfer of unacceptable weapons as well as on assistance with any of those banned activities. Second, they supplement these negative obligations with positive ones, specifically in the form of remedial measures such as clearance of remnants and victim assistance. Third, they adopt a cooperative approach to implementation, which includes requiring international cooperation and assistance.

A comparison of the Mine Ban Treaty and the Convention on Cluster Munitions shows how humanitarian disarmament law has become stronger as well as more established. For example, the Mine Ban Treaty incorporated victim assistance in its international cooperation and assistance article, obliging all states parties in a position to do so to contribute to that cause. The Convention on Cluster Munitions broke new ground in that area by also defining the term victim and including a stand-alone provision laying out the responsibilities of affected states.

The nuclear weapons ban treaty should similarly advance humanitarian disarmament, a body of law to which it owes a significant debt. Most of the states present at this week's negotiations are party to the Mine Ban Treaty and/or the Convention on Cluster Munitions, and they have an incentive to bolster a legal framework they have already embraced. To promote humanitarian disarmament, negotiating states should take the following three actions:

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Sue Coleman-Haseldine, Australian nuclear weapon test survivor, addresses the UN conference to prohibit nuclear weapons, as Setsuko Thurlow, atomic bomb survivor from Hiroshima, looks on

Advancing humanitarian disarmament, continued

First, they should, when appropriate, use widely accepted language from the existing humanitarian disarmament instruments and incorporate it in the nuclear weapons ban treaty. States could borrow directly from the prohibitions laid out in the Convention on Cluster Munitions and Mine Ban Treaty (which in turn echo those of the Chemical Weapons Convention). Reusing already accepted language simplifies negotiations and reinforces that absolute prohibitions on use, production, stockpile, transfer, and assistance with prohibited activities are mandatory in modern disarmament law.

States should also draw from the preambles of landmine and cluster munition treaties. In particular, the new ban treaty could open with a call to “end for all time the suffering and casualties caused by” nuclear weapons.

Second, states negotiating the nuclear weapons ban should ensure that the new treaty does not represent a regression for humanitarian disarmament in any way. While much of the discussion this week has focused on the prohibitions, a failure to include positive obligations alongside those prohibitions would represent a step backward from current disarmament norms.

Third, negotiating states should look for ways that the nuclear weapons ban treaty can advance humanitarian disarmament law. For example, they should include a specific prohibition on the financing of nuclear weapons. A large number of states parties to the Convention on Cluster Munitions view financing of production as a form of prohibited assistance. Making such a prohibition explicit would build on that understanding of the law while providing clarity and increasing stigma.

Similarly, states should adopt a provision on environmental remediation. Its elements should parallel those of the clearance article of the Convention on Cluster Munitions. Because nuclear weapons leave behind radiation rather than unexploded ordnance, a remediation provision would ensure that the general legal approach applied to explosive remnants of war is applied to toxic remnants of war.

Over the first half of this week, many states have described the nuclear ban treaty as a way to fill a legal gap. They have highlighted the importance of ensuring that the most dangerous weapons of mass destruction are banned, like chemical and biological weapons before them. Such a goal is worthy.

But in filling that gap, states should build on the latest standards of disarmament law not the ones that existed at the time of the adoption of the Biological

and Chemical Weapons Conventions, which date to 1972 and 1993 respectively.

Disarmament has come far since then, and states have a duty to the field of humanitarian disarmament law and to humanity at large to protect that progress.

Notes

1. See Bonnie Docherty, “Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament Law,” *Austrian Review of International and European Law*, vol. 15 (2010), pp. 7-45, http://hrp.law.harvard.edu/wp-content/uploads/2013/08/04_docherty_neu-FINAL.pdf.

TODAY'S SCHEDULE

When	What	Where
08:00	Morning interfaith vigil	Isaiah Wall
09:00-09:50	ICAN campaigners meeting	CR B
10:00-13:00	Topic 1, <i>continued</i> Topic 2	CR 4
10:00-13:00	<i>Side event:</i> How to successfully develop an international coalition toward the elimination of nuclear weapons	CR B
13:15-14:30	<i>Side event:</i> Civil society engagement in disarmament processes: the case for a nuclear weapons ban	CR B
15:00-18:00	Topic 2, <i>continued</i>	CR 4
18:00-19:00	ICAN campaigners meeting	CR B



NEWS IN BRIEF

Allison Pytlak | *Reaching Critical Will of the Women's International League for Peace and Freedom*

This not a comprehensive overview of all statements or positions. It is a brief summary of key points.

High-level segment (continued)

Framing of the treaty

- Malaysia said that the instrument should not stigmatize any one group of states but focus on nuclear weapons, and be flexible enough to allow for other states to join later.
- Kuwait encouraged nuclear-armed states to limit the actions that they use to justify their on-going nuclear weapon possession, the challenge of which has been an impetus to this treaty process.
- Ghana advocated seizing the momentum of the OEWG to take things forward, noting this treaty will be a step to stigmatising nuclear weapons, providing a necessary legal and political framework, and outlining practical steps to get there.
- Liechtenstein recalled past statements from physicians that reiterated the danger of nuclear weapons.
- Morocco said that peaceful coexistence and dialogue is the path to security and that the effects of nuclear weapons on the environment and human life are motivation to move towards a prohibition.
- Guatemala stated prohibition is not a synonym of elimination, but a fundamental element.
- Ethiopia noted that modernisation of nuclear weapons adds to the threat posed by their existence.
- Honduras stated that general and complete nuclear disarmament is the way to safeguard what we want to leave our children.
- Palestine spoke at length about the fundamental importance of international humanitarian law, noting that nuclear weapons constitute the greatest possible breach to IHL.
- Nigeria expressed that the threat of use is a violation of IHL. They are concerned about the risks of nuclear accidents.
- Malaysia spoke of the model Nuclear Weapons Convention and elucidated that the ban treaty is one aspect of the model convention that they are advocating for as a preferred approach to nuclear disarmament.
- Papua New Guinea spoke to its experiences as a result of nuclear testing and a small island state, noting the vast resources given to nuclear weapons and the geopolitical dynamics of the Asian region.

Principles and objectives

- Trinidad and Tobago advocated that the treaty recognise specific challenges that women face as a result of nuclear weapons, and the role that women can play in addressing this threat.
- Malaysia referenced the inclusion of the humanitarian effects of nuclear weapons.
- Iran supported the objectives of this conference because of its experience as a victim of chemical weapons use and its concern about weapons of mass destruction. It said the prohibition of nuclear weapons must be accompanied by elimination.

Key provisions of treaty

- Viet Nam stated that possession, use, development, production, stockpiling, and transfer of nuclear weapons will be the necessary starting point for their total elimination. The treaty should ensure the states can develop nuclear technology for non-weapon purposes and enhance effective institutional arrangements to provide international cooperation and assistance to states.
- Trinidad and Tobago sees the inclusion of use, threat of use, production, transfer, and stockpiling as well as assistance, encouragement, or inducement as core prohibitions in the treaty. International cooperation and assistance will be an important component.
- Ghana said the instrument should cover the manufacture, development, and acquisition of these weapons. This will help nuclear-armed states stay true to their commitments under other regimes.
- Morocco would like the instrument to apply to the production, development, and stockpiling of nuclear weapons and their use.

Institutional arrangements

- Kuwait hopes that the arrangements will be transparent and flexible.
- Liechtenstein has all legislation in place to be compatible with the treaty, once it is adopted.

Relationship to other instruments

- Bangladesh, Ghana, Guatemala, Iran, Lao PDR, New Zealand, Malaysia, Mongolia, Morocco, Palestine, Tanzania, and others referenced the reinforcing or complementary role that the ban treaty will play with respect to the nuclear Non-Proliferation Treaty (NPT).

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News in brief, continued

- Mongolia and Palestine stated that progress on the CTBT is a measure that is most urgently needed.
- Nigeria said that NWFZs are a useful basis for recognising goals of nuclear disarmament. Establishing one in the Middle East would serve the same cause, which was also noted by Kuwait.
- Guatemala, Honduras, Myanmar, Nigeria and Palestine spoke of the value of NWFZs as either a basis or important component of this treaty.
- Liechtenstein acknowledged that we have collectively banned other kinds of weapons that cause indiscriminate effects.

Civil society

- Trinidad and Tobago stated that the treaty must recognise the inviolable contributions civil society in the effort to eliminate nuclear weapons. Physicists, lawyers, women's organisations, religious leaders and disarmament NGOs, victims, parliamentarians have all played a role.
- Malaysia acknowledged the contributions of civil society.
- Liechtenstein said vigorous advocacy of civil society around the world has helped make change.
- Guatemala spoke of the fundamental and valuable role of civil society.

Rules of procedure

- Trinidad and Tobago supported Rule 35, which allows the option for voting.
- Morocco welcomed the full participation of the Holy See and Palestine.
- Bangladesh noted that the way states at this conference perceive this issue is not shared by the entire UN membership so we must pursue our work in an open and transparent manner.

Procedural issues

- Chile and New Zealand were elected as vice presidents.

Topic One

Inclusion of references to other instruments and resolutions

- Austria, Brazil, Colombia, Guatemala, Ecuador, Egypt, Indonesia, Ireland, Jamaica, Libya Sweden, Switzerland support that preambular references to the nuclear Non-Proliferation Treaty (NPT) and its obligations should be framed as complementary and affirming.

- Colombia, Ecuador, Guatemala, Liechtenstein, Sri Lanka supported inclusion of reference to the Comprehensive Test Ban Treaty (CTBT).
- Ecuador, Guatemala, Kazakhstan, Liechtenstein, Mexico, and Thailand support references to the contributions made by nuclear weapons free zones, and/or their related treaties.
- Brazil, Guatemala, and Malaysia suggested including references to the UN Charter and the first resolution adopted by the General Assembly on nuclear disarmament in 1946, which Cuba, New Zealand, and South Africa also supported.
- Bangladesh, Brazil, Jamaica, Malaysia called for references to the 1996 Opinion of the International Court of Justice (ICJ) as a reflection that the use or threat of use of nuclear weapons are incompatible with international law, particularly international humanitarian law (IHL).

Objectives

- Sri Lanka stated that the principal objective must be to avert the humanitarian consequences and suffering caused by the detonation of nuclear weapons, which are inhumane and indiscriminate by nature.
- Jamaica said that it will be essential for the treaty to have as its overarching objective the achievement and maintenance of a world free of nuclear weapons.
- Colombia outlined the following as objectives: contributing to peace, security, and stability; establishing and maintaining a world without nuclear weapons; and promoting confidence-building measures among states towards total elimination.
- New Zealand stated the object and purpose is to adopt a "globally-applicable prohibition against nuclear weapons".
- Costa Rica stated that the preamble must establish that general and complete disarmament, subject to verification, remains the ultimate goal of all efforts on nuclear disarmament.
- Thailand believes that the objective of the instrument must prohibit nuclear weapons leading to their total elimination in a transparent, verifiable and irreversible manner.

Principles

- Nearly every delegation reinforced that references to the humanitarian consequences should be prominent in the preamble and rationale for the treaty,



News in brief, continued

building on the work of the earlier conferences and the open-ended working group.

- - Calls for alignment with principles of international humanitarian law (IHL) came from Colombia, Costa Rica, Ecuador, New Zealand, South Africa, Sweden, and Switzerland.
- Bangladesh, Ireland, Jamaica, and Sweden requested a reference to gender and the disproportionate impact of nuclear weapons on women
- Costa Rica, Ecuador, Liechtenstein, and South Africa made calls for language that recognises the disproportionate amount of funds spent on maintaining or upgrading nuclear arsenals.
- Ireland called for a reference to how this treaty will support other issues and instruments like the Sustainable Development Goals (SDGs) and the Paris Climate Agreement.
- Brazil said the ban must recognise the complexity of and interrelationship between consequences on health, environment, infrastructure, food security, climate, development, social cohesion, and the global economy.
- Netherlands was alone in calling for a treaty that is compatible with NATO’s deterrence and defense posture; further calling for a step by step approach that promotes international stability based on the principles of undiminished security for all.
- The Marshall Islands, South Africa, and Thailand spoke to recognising the rights of victims affected by nuclear weapons use and testing, and the response of the international community toward them.
- Ecuador stressed that the treaty must recognise the right of states to develop nuclear energy. Viet Nam also referenced the benefits of peaceful application of nuclear technology, as did Switzerland.
- Brazil, Ireland, and Thailand supported recognition of civil society in the preamble. South Africa said the preamble should recognise the critical role of civil society, and the UN, in disarmament education. Mexico and others highlighted the contributions of civil society to this process.
- Ecuador said the preamble should recall the risk of accidental unauthorised or intentional use of nuclear weapons. Switzerland supports language on risk. The Marshall Islands would like to keep space to address this issue in future, although not indefinitely.

- Sweden said that wherever possible, the preamble should draw on consensus language from the NPT as well as from GA and UNSC resolutions.
- Philippines would like to note in the preamble the slowness of progress in multilateral disarmament, as well as the shared nature of the security of humankind.
- Egypt, Jamaica, and the Philippines stated that the treaty should not distinguish between the nature of states parties. The Marshall Islands made reference to a treaty that does not ‘point fingers’.
- Guatemala would like the preamble to call for additional binding measures for verification.

Current status under law

- Chile requested a debate on the current status of nuclear weapons under law, expressing that it views them as illegal, given their incompatibility with existing legal principles, particularly those of IHL. A preambular paragraph should be drafted to cover this. Mexico reiterated the importance of discussing this.
- Sweden believes that the notion of illegality of the threat or use of nuclear weapons in any circumstances could be the key underlying principle that could drive a legally binding instrument to prohibit nuclear weapons.

Procedural

- Mexico, Sri Lanka, and Venezuela would like the treaty to clarify that its adoption is one part of a longer process.
- Switzerland welcomed that the rules of procedure make it clear that this is a consensus-based process and cautioned against being too hasty in negotiating.

Core elements

- Switzerland spoke on key elements of the future treaty. This would include a clear and robust verification regime based on the most developed and most robust safeguards placed under the auspices of the IAEA. They also referenced positive obligations, which might extend to commitments to come to the assistance of any State faced by a nuclear attack through including victim assistance, assistance in cleaning efforts after a nuclear detonation, or ensuring international cooperation and assistance with regard to nuclear protection.
- Egypt stressed the importance of verification to ensure accountability for the elimination of stockpiles, to ensure compliance. •





HIBAKUSHA * STORIES
WORKING TOGETHER FOR A NUCLEAR-FREE WORLD



Reaching Critical Will



Buan-Ionad na hÉireann
chun na Náisiún Aontaithe

Permanent Mission of Ireland
to the United Nations

BOOK LAUNCH

Civil Society Engagement in Disarmament Processes: The Case for a Nuclear Weapons Ban

Wednesday, 29 March 2017, 13:15–14:30
Conference Room B, UN Headquarters

Please join us for the launch of UNODA's most recent publication of *Civil Society Engagement in Disarmament Processes: The Case for a Nuclear Weapons Ban*. This volume draws on recent research and reflections from literary non-fiction, academia, risk assessment, activism and advocacy to present the case for a nuclear ban as a vital first step in nuclear weapons' ultimate abolition. Co-sponsored by the Permanent Mission of Ireland, the International Campaign to Abolish Nuclear Weapons, Hibakusha Stories and Reaching Critical Will, the lunchtime panel will hear from Ray Acheson of Reaching Critical Will, Rebecca Johnson of Acronym Institute, Helena Nolan, the Disarmament Director at the Irish Department of Foreign Affairs, Kathleen Sullivan of Hibakusha Stories and Hiroshima survivor Setsuko Thurlow.

