



The NPT, Ban Treaty and 2018 UN High Level Conference on Nuclear Disarmament: Combining prohibition aspirations with practical nuclear-risk-reduction and disarmament measures.

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Food-for-thought paper prepared by the Basel Peace Office, UNFOLD ZERO and Parliamentarians for Nuclear Non-proliferation and Disarmament¹

Introduction

In January 2017, the Bulletin of Atomic Scientists moved the 'Doomsday Clock' to 2½ minutes to midnight, highlighting the increased tensions between nuclear-armed countries and risks of the use of nuclear weapons by accident, miscalculation or intent.

In response to a growing awareness about the risks and catastrophic consequences of the use of nuclear weapons, the United Nations on 7 July 2017 adopted a Treaty on the Prohibition of Nuclear Weapons ('Ban Treaty'), which prohibits the use, threat of use, possession, production, transfer and stationing of nuclear weapons.

This is the most comprehensive prohibition against nuclear weapons in any multilateral treaty. However, only non-nuclear States support the treaty. None of the nuclear armed or allied States are expected to join the treaty, at least not in the short-medium term. As such the treaty provisions will not apply to them, and the treaty will not impact directly on the current risks of nuclear weapons being used, nor the nuclear weapons policies and programs of nuclear armed States and their allies.

The NPT includes most of the nuclear-armed and allied States, and requires progress on nuclear disarmament. However, the lack of progress on implementing this obligation, is a key reason for the non-nuclear States to negotiate a ban treaty outside the NPT framework, using a UNGA voting process rather than a consensus process, to ensure that no one State could block a final outcome.

One process that could link the NPT and ban treaty, and build success on both fronts is the 2018 UN High Level Conference on Nuclear Disarmament. The nuclear armed and allied States are expected to participate in the UNHLC, unlike the ban treaty negotiations. As a UN conference, consensus would not be required for specific measures and/or a final outcome to be adopted.

¹ This paper is prepared following a series of consultations and events organised by PNND and UNFOLD ZERO on the 2018 UN High Level Conference on Nuclear Disarmament. The consultations and events took place in Berlin, Geneva, London, New York, Vienna and Washington DC.

Other recent UN High-Level Conferences have been very successful, adopting the 17 Sustainable Development Goals (2015), Paris Agreement on Climate Change (2016), New York Declaration on Refugees and Migrants (2016) and 14-Point Action Plan to Protect our Oceans (2017).

If sufficient political momentum is generated for the 2018 UNHLC, it might be possible to achieve significant nuclear-risk reduction and disarmament measures that apply to the nuclear-armed and allied States. The UNHLC could also build signatures and ratifications for the ban treaty.

Background

In 2013, the UN General Assembly decided under Resolution 68/32 to:

- a) seek the views of Member States with regard to achieving the objective of the total elimination of nuclear weapons;
- b) establish September 26 as the International Day for the Total Elimination of Nuclear Weapons; and
- c) convene a UN High Level Conference on Nuclear Disarmament no later than 2018 in order evaluate progress and advance further the elimination of nuclear weapons, including through negotiations for a nuclear weapons convention.

The resolution cites, *'the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.'* This provides a direct link between the NPT and the 2018 UN High Level Conference.

The UN High Level Conference provides a forum that could elevate the NPT and ban treaty processes, as well as other initiatives. The UN High Level Conference provides flexibility to advance a comprehensive prohibition of nuclear weapons simultaneously with incremental measures on nuclear risk-reduction and disarmament. In this way it can provide a bridge between the differing priorities and approaches of non-nuclear and nuclear-reliant States.

The value of UN High Level Conferences

UN Summits and High Level Conferences are established by the UN General Assembly in order to elevate the political traction on key global issues and achieve agreements on measures to address these. Such conferences garner the attention of media, elevate the issue within government agencies, and provide opportunities for parliaments and public to stimulate or challenge government policies and promote concrete goals. As such, UN High Level Conferences have had considerable success in recent years on difficult global issues.

The *2015 UN Sustainable Development Summit*, which was held as a High Level Plenary meeting of the UN General Assembly, achieved agreement on *17 Sustainable Development Goals* and commitments by governments to achieving these.

The *2015 UN Climate Change Conference*, achieved the *Paris Agreement*, which establishes a commitment to keep global temperature rise under 1.5° C and includes all the major carbon emitting countries and most of the minor carbon-emitting countries.

The *2016 UN Summit on Refugees and Migrants* achieved the *New York Declaration* which establishes global cooperation to address the causes of the refugee crisis and respond to the humanitarian needs of refugees. This has assisted incredibly in management of the refugee crisis in Europe and around the world.

The 2017 UN High Level Conference on the Oceans succeeded in the adoption of a 14-point plan of action entitled *Our Ocean: Our Future*.

In all four issues mentioned above, political hurdles to success were overcome through effective preparatory work and cooperation between like-minded governments and civil society.

Agenda and outcomes for the UN High Level Conference

Like-minded States, in cooperation with civil society, can pave the way for a successful *UN High Level Conference on Nuclear Disarmament*, in particular with respect to implementation of Article VI of the NPT, by commencing discussions now on a suitable agenda and desired outcomes.

Civil society has already started this process through a series of consultations on the UN High Level Conference in UN centres and key capitals.²

The agenda for the UN High Level Conference will be set by a preparatory meeting for the conference, the date for which is expected to be set at the 72nd UN General Assembly.

The resolutions on the UN High Level Conference, the most recent one being UNGA Resolution 71/71 adopted on 15 December 2016, provide scope for adoption of a multi-faceted agenda that would set forth objectives for the conference that are both realistic and significant, and that provide roles for both non-nuclear and nuclear-reliant States.

It might be useful to employ the *Gift Basket approach*, used effectively by the Nuclear Security Summits. This approach allows for progress to be made, and agreements reached, on specific nuclear risk-reduction and disarmament measures without necessarily requiring participation or consensus on each measure by all conference participants.

Nuclear risk-reduction and disarmament measures to be announced, discussed and/or adopted by relevant States could be drawn from those agreed in the 2010 NPT Final Document, as well as from key UN resolutions. As such, the UN High Level Conference could serve as a powerful forum to implement NPT and UN agreements on nuclear risk-reduction and disarmament.

Measures to be announced or adopted by relevant States (without requiring participation from or agreement by all conference participants) could include, *inter alia*:

- States supporting the Ban Treaty could announce at the UN High Level Conference their accession to the treaty. If 50 states ratify the treaty by the time of the UNHLC, they could announce its entry-into-force at the conference;
- Some or all of the nuclear-armed States could adopt measures or joint statements on nuclear-risk reduction and transparency. This could include lowering the operational readiness to use nuclear weapons;
- Some or all of the nuclear-armed States could adopt a joint statement affirming a commitment to not produce new nuclear weapons systems;
- Some or all of the nuclear-armed and other nuclear-reliant States could adopt measures or statements affirming a reduction of the role of nuclear weapons in their security doctrines. This could include recognition of the historical practice of the non-use of nuclear weapons, an affirmation that the sole purpose of nuclear weapons is to deter other nuclear weapons, or a declaration affirming no-first-use as a policy;
- The nuclear-armed and other nuclear-reliant States could adopt a framework agreement or a political declaration, on a phased program to reduce nuclear stockpiles and prohibit the use of nuclear weapons, and setting achievable benchmarks for the complete elimination of nuclear weapons;

² To date this includes public consultation events in Berlin, Geneva, London, New York, Vienna and Washington.

- Regional measures could be announced by States concerned, such as the resumption of Six-Party Talks to address the nuclear threats in North East Asia.

The Gift Basket approach does not rule out the possibility of there also being the adoption of some measures, or of a final document, by consensus. This could include, *inter alia*:

- Agreement to renew the request to the United Nations to convene a conference for the establishment of a Middle East Zone free from nuclear weapons and other WMD;
- Declaration in support of the UN experts group on nuclear disarmament verification established under UNGA Resolution 71/67.

Momentum for the UNHLC

There are a number of developments indicating a growing momentum for the UNHLC.

The Parliamentary Assembly of the Organisation for Security and Cooperation in Europe – which includes the parliaments of France, Russia, UK, USA, all NATO countries and other European Countries – has called ‘*on all participating OSCE States to participate in the 2018 UN international conference on nuclear disarmament at the highest level, to include parliamentarians in their delegations to the conference and to pursue the adoption of nuclear risk reduction, transparency and disarmament measures at the conference.*’ See [OSCE Parliamentary Assembly calls for nuclear weapons stand-down](#).

A joint cross-party letter on [Dialogue, detente and nuclear disarmament](#), sent from European parliamentarians to NATO and the OSCE leaders on July 14, 2017, includes a call on NATO and OSCE to support the 2018 UN High Level Conference.

Abolition 2000, the global network to eliminate nuclear weapons (over 2000 organisations support their call for a nuclear weapons convention) has established an [international civil society working group for the 2018 UN High Level Conference](#), and has held a number of events including in New York during the negotiations of the ban treaty.

Conclusion

The UN High Level Conference provides a forum that can be complementary and helpful to the NPT Review Process, Conference on Disarmament, Ban Treaty, and various bilateral, plurilateral and regional processes for nuclear risk-reduction and disarmament.

What the High Level Conference brings to the table is universality, flexibility and political impetus.

All UN member States can participate in the UN High Level Conference, including those that are not Parties to the NPT, are not members of the Conference on Disarmament, and/or do not support the ban treaty.

The *Gift Basket* approach provides the option for measures or statements to be adopted by some participants without requiring consensus, and without pushing those who cannot support into having to oppose. There is no requirement to vote. And there is also the option to adopt some measures by consensus if this can be found.

The high political, media and public attention given to a UN High Level Conference provides an increased capacity for UN Member States to push for adoption of measures that might otherwise languish in the hallways of the Conference on Disarmament, or have to wait until the NPT Review Process makes substantive decisions in 2020.