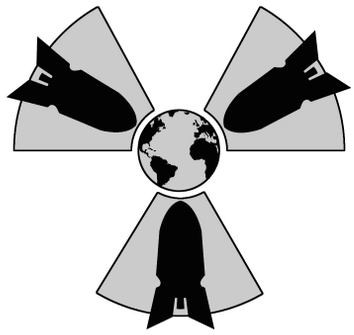
Armes nucléaires STOP

Bulletin mensuel



SPECIAL NPT REVIEW CONFERENCE

A failure to be capitalised on

The five-year review conference of the Non-Proliferation Treaty (NPT) ended on May 22, 2015 without adopting its final document. Does this mean failure or success for the cause of nuclear disarmament? Analysis.

The four weeks of the conference saw the confrontation of two ways of thinking. Non-Nuclear-Weapons States (NNWS) wanted the nuclear states to commit to concrete disarmament measures within clearly defined deadlines. But according to the nuclear powers the time is not yet ripe for them to reduce their nuclear posture, which guarantees, so they say, the "stability" of the world, reflecting their refusal to recognize that this posture is actually a factor increasing insecurity. Their refusal to recognize that, far from acting as an effective deterrent, nuclear bombs represent for them the instrument which gives them the upper hand in the distribution of power, at the expense of other states. To paraphrase George Orwell, since the advent of nuclear weapons, all states within the UN are equal, but there are some which are more equal than others...

But while we expected the rejection of consensus to come from the non-nuclear states, committed as they are to a treaty banning nuclear weapons, based on the series of conferences on the humanitarian impact of these (*see previous bulletin*), the obstacles blocking the adoption of the final document came from the United States, supported by the United Kingdom and Canada, on the basis of a claim which has been recurring since... 1995! Since the date, that is, from which the principle of holding a conference for the establishment of a weapons of mass destruction free zone in the Middle East had been accepted by all member states of the NPT and reaffirmed at each subsequent five-year review conference.

The draft final document set March 1st, 2016 as the deadline for such a conference. A requirement stipulated by Egypt. A casus belli for Israel, a nuclear state not party to the NPT, but a participant this year, for the first time, as an observer.

By seizing on this deadline as a pretext for blocking adoption of the final document, the United States has significantly diverted the review conference from its true purpose. With what in mind? To allow Obama to finalise negotiations with Iran by giving pledges to Israel? To divert attention from the refusal of the nuclear powers to open negotiations for a treaty banning nuclear weapons and to commit to a timeline for eliminating their nuclear arsenals?

By proceeding as they did, the United States have also led some NNWS to regret the lack of any consensus, a lack of consensus which led to the final document as submitted for adoption to NPT members being, as negotiations dragged on, reduced to a trickle, falling well short of the document adopted at the previous review Conference in 2010.

But might this not be a Pyrrhic victory? Does this exacerbation of the disappointment felt by many states not lead necessarily to a weakening of the NPT? The disappointment expressed for example by the representative of South Africa which compared the NPT to apartheid. "We do not know how we will explain to our people that we have not been able to achieve better results", she said during

Summary

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the last session, pointing to the "lack of moral courage" in areas which are nevertheless crucial for the citizens of the world.

The attitude of France in this last session is particularly noteworthy: France has taken this opportunity to drape itself in hypocritical virtue by not following the United Kingdom in supporting the United States, probably with a view to preserving its good relations with a number of Middle Eastern countries, including Egypt and Israel as well as Saudi Arabia!

Can this failure of the review conference be turned into a success for nuclear disarmament? Yes, but for that several steps are essential: that some states should take the initiative of convening a conference for the ban treaty; that European countries should join the 107 signatories of the "humanitarian pledge" initiated by Austria in December 2014 at the end of the third conference on the impact of nuclear weapons; and above all, that public opinions should rebel against their governments' addiction to their weapons.

Patrice Bouveret,
director of Observatoire des armements

Where the will of the few prevails

Despite the failure of the four-week long Review Conference in New York to reach an outcome, civil society remains upbeat about nuclear disarmament. Why?

Because the goal was to get to 100 endorsements for the Austrian Pledge — renamed the "Humanitarian Pledge" as it is now supported by the majority of states worldwide. By the end of the conference the number stood at 107, a major victory for the new movement to "close the legal gap" in Article VI of the NPT, by agreeing on a treaty to prohibit and eliminate nuclear weapons.

In fact, it was not despite but because of the NPT review that this number was reached. Mounting frustration of nuclear weapon-free states at the dysfunctionality of the NPT is leading them to look for a new process to reach disarmament. In New York, they laid out a flawless set of arguments on how the examination of the humanitarian impact of nuclear weapons and the heightened risk of nuclear use mean that it is imperative that state parties embark on "effective measures" to end the arms race and begin negotiations on a verifiable treaty.

However, the words of the overwhelming majority, both collectively and singly delivered, were brushed aside by the P5 like irritating flies. France claimed there was no new information on the humanitarian impact and no increased risk. The US said that they would not agree to anything that even remotely smelt of a ban. The UK repeated that they would keep their nuclear weapons as long as it is "necessary". Russia said that is simply not true that disarmament was stagnating.

The European Union and the so-called umbrella states (NATO, Japan, Australia, South Korea) tried to sit on the fence, but fell off repeatedly in the direction of support for the nuclear weapon states. Although we do not know exactly who drafted the final document that ended in the bin, one can surmise that at least Australia formulated much of it, probably with support from Germany and the Netherlands who all spoke up in favour of "compromise". The EU is in the solid grip of France, managing even to downgrade the humanitarian consequences from "catastrophic" to "severe" in their statement. At a side-event on the EU as a "non-proliferation actor" it was agreed that the region was just too diverse to agree to anything but the lowest common denominator, which is whatever France wants it to be. Similar to the problem of consensus at the NPT Review Conference, the same process acts out in the EU, more a veto than anything resembling true consensus.

It was surprising that the nuclear weapon states any effort at all into rewording the draft outcome document to their satisfaction (and the extreme dissatisfaction of the overwhelming majority) when in fact they left it up to Israel, a non-NPT state party, to decide its fate. The whole process of review of the treaty and forward-looking action was ditched because of controversy over the conference on a zone free of weapons of mass destruction in the Middle East.

South Africa gave two speeches of great significance at this Review Conference. In the one on May 14 they asked why the security of the nuclear weapon-states should be of more value than that of the nuclear weapon-free states. And if they were not prepared to renounce the use of nuclear weapons under any circumstances, then what were the circumstances under which they might be used? This second question was repeatedly asked by nuclear weapon-free states, but no answer was given.

South Africa's closing speech aptly compared the NPT to apartheid, "that has degenerated into the rule of the minority, where the will of the few will prevail even when it doesn't make moral sense". Short of offering to host a new process, the ambassador indicated that it was time to look elsewhere for a new process to achieve disarmament. That moment has now come and it is likely that it will begin in this year, 70 years after the atomic bombing of Hiroshima and Nagasaki.

Xanthe Hall,
International Physicians for the Prevention of Nuclear War, Germany

As non-proliferation collapses, it's Time to Ban All Nuclear Weapons

After four weeks of talks at the United Nations, the 2015 Non-Proliferation Treaty (NPT) review conference failed to find consensus on how to take forward the treaty's commitments on nuclear disarmament, security, non-proliferation, the Middle East, nuclear energy and safety issues.

While France and Russia had played a major role in promoting nuclear power and resisting nuclear disarmament proposals, it was the United States, followed by Britain and Canada, that blocked adoption of the president's draft outcome document.

Ostensibly the failure came down to three states' refusal to compromise on the organization and March 2016 deadline for another proposed conference to rid the Middle East of nuclear and other weapons of mass destruction (WMD). Israel, which developed a nuclear arsenal outside the NPT, was not the only nation to heave a sigh of relief when the US announced its decision to block the outcome document. In 2015, as in 2010, France and the other nuclear-weapon states had blocked the most practical and progressive disarmament commitments from the final document. If a 2016 conference on the Middle East had been agreed, the non-nuclear nations would have accepted more weak, paper 'actions', but they didn't want to. So they were relieved to avoid that familiar trap.

Instead, led by Alexander Kmentt of Austria, the majority of nuclear free nations took the next steps in what the *Washington Post* described as the "uprising among civil society groups and the coalition of 107 states, which are seeking to reframe the disarmament debate as an urgent matter of safety, morality and humanitarian law". Kmentt pointed out that at its core the NPT has "a reality gap, a credibility gap, a confidence gap and a moral gap".

By the time the NPT conference concluded on 22 May, 107 nations had signed a ground-breaking "humanitarian pledge", promising to "fill the legal gap for the prohibition and elimination of nuclear weapons". For ICAN, which has played a key strategic role since 2010, the next step should be a leadership group of states launching negotiations for a universally applicable treaty to ban nuclear weapons. With that objective, ICAN has inspired a worldwide network of civil society NGOs and activists, and provided ideas and partnership to strengthen nations' political will and courage, as well as signing up many of the Pledgers.

As the humanitarian disarmament strategies have taken root and grown in credibility, the nuclear-armed states have increased their pressure to deter governments from leading or joining next steps. The NPT's growing failures are not due to disarmament initiatives, but because of the regimes deep contradictions, especially the status accorded to nuclear armed states —outside as well as inside the NPT— at the expense of the security needs and interests of the vast majority, which are nuclear free.

It is perhaps ironic that despite all the undermining efforts of the P5, the humanitarian pledge has become the only positive, tangible outcome from the 2015 NPT review conference. Having engaged as constructively as they could with the NPT for over forty years, the nuclear-free Pledgers need now to strategize together on how start the real, practical business of negotiations on a nuclear ban treaty. Unlike the NPT, the process must be open to all but blockable by none.

Rebecca Johnson,
director, Acronym Institute, and ICAN International Steering Group

August 6-9, 2015
International Fast To Abolish Nuclear Weapons

We are groups of fasters who have decided to deny ourselves nourishment for 4 days, from August 6th, the anniversary of Hiroshima, till August 9th, the anniversary of Nagasaki, to express our total opposition to nuclear weapons, and to call for their abolition. Fasters and supporters are welcome!

- **PARIS**, place de la République, France;
- **DIJON-Valduc**, Nuclear Base, France;
- **BORDEAUX-Le Barp**, Mégajoule Laser Lab, France;
- **BÜCHEL**, Nuclear Base, Germany;
- **LONDON**, close to the Paliament, United Kingdom;
- **LIVERMORE**, NIF Laser Lab, California, United States of America.

More: www.vigilancehiroshimanagasaki.com

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France: Missing in Action at the International Court of Justice

Fast forward to April 2014, when the Republic of Marshall Islands (RMI) filed applications in the ICJ against France and the eight other nuclear-armed states claiming that they are in breach of obligations relating to nuclear disarmament and cessation of the nuclear arms race under the Nuclear Non-Proliferation Treaty (NPT) and customary international law.

In 1973, Australia and New Zealand brought France before the International Court of Justice (ICJ) to challenge its atmospheric testing of nuclear weapons in French-occupied Polynesia. Years earlier France had filed a declaration accepting the compulsory jurisdiction of the Court, meaning it submitted to the Court's authority when the opposing state had also done so. France nonetheless declined to defend its testing program. Instead it simply sent a letter claiming the Court was incompetent to decide the case, and subsequently withdrew its declaration. In 1974, the Court found that the case was moot because high French officials had declared an intention not to conduct further atmospheric tests.

Because France no longer accepts the compulsory jurisdiction of the Court, it is not obligated to defend the case — but it can choose to do so under a normal procedure. The same is true of the other nuclear-armed states which have not accepted the Court's compulsory jurisdiction, the United States, Russia, China, Israel, and the Democratic People's Republic of Korea.

And that is what the RMI is urging France and the other states in its position to do, come voluntarily before the Court in this matter. After all, France claims that it is in compliance with the Article VI obligation to negotiate nuclear disarmament in good faith and that is committed to the international rule of law. So why not defend its position before the Court?

Cases are proceeding in the ICJ against the three nuclear-armed states which have accepted the compulsory jurisdiction of the Court, the UK, India, and Pakistan. Hearings are expected in early 2016 on whether the cases are suitable for decision on the merits. The RMI also filed a companion case against the United States in US district court. In January, the district court dismissed the case on the ground that it has no authority to order the US to comply with Article VI. The RMI has appealed that ruling to a higher court.

Questions of great importance are at issue in the RMI cases. A central RMI claim is that NPT Article VI obligates the Permanent Five to enter into multilateral negotiations on the elimination of nuclear weapons, and to do so soon, not in some distant future. The RMI also claims that planning and budgeting for long-term maintenance of nuclear arsenals is contrary to the Article VI objective of nuclear disarmament and therefore is contrary to the fundamental international law requirement of good faith. The same claim is made under customary international law against the nuclear-armed states outside the NPT, Israel, Pakistan, DPRK, and India. Customary international law claims relating to cessation of the nuclear arms race are also particularly salient in relation to India and Pakistan, which are engaged in quantitative build-up of their fissile materials and warheads and are improving and diversifying their arsenals.

As a country whose people have suffered the effects of extensive nuclear testing - conducted by the US when the Marshall Islands was a UN trust territory — the RMI is particularly well qualified to uphold the interest of the international community in seeing fundamental obligations fulfilled and avoiding use of nuclear weapons that would negatively impact the entire world. As Foreign Minister Tony deBrum said when the applications were filed, "Our people have suffered the catastrophic and irreparable damage of these weapons, and we vow to fight so that no one else on earth will ever again experience these atrocities."

John Burroughs,

Executive Director of the New York based Lawyers Committee on Nuclear Policy, the UN Office of the International Association of Lawyers Against Nuclear Arms, and a member of the RMI's International Legal Team. For more information, see www.lcnp.org/RMI *and* www.nuclearzero.org

Armes nucléaires STOP

Armes nucléaires STOP is an umbrella organisation which brings together approximately twenty non-violent associations, and individual citizens calling for the abolition of nuclear weapons.

Armes nucléaires STOP is a member of the international network *Abolition 2000* and of the *International Peace Bureau,* and participates in the world *ICAN* campaign (International Campaign to Abolish Nuclear Weapons).

Overview of our actions: A monthly newsletter, conferences, lobbying of politicians and elected representatives, a monthly presence outside the Ministry of Defence in Paris, the organisation of a yearly "action-fast" from the 6th to the 9th August, participation in international conferences...

www.armesnucleairesstop.org

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