



2022 NPT BRIEFING BOOK



Reaching Critical Will



TABLE OF CONTENTS

Introduction.....	2
Understanding the NPT.....	6
Summary of the articles.....	6
Previous reviews of the Treaty.....	7
Critical issues	9
Modernisation of nuclear weapons	9
Doctrines and transparency.....	10
Middle East weapon of mass destruction free zone	12
Nuclear risk and humanitarian consequences	14
Nuclear energy.....	16
Nuclear disarmament and the prohibition of nuclear weapons.....	18
Gender.....	23
Endnotes	28

Introduction

After a year and a half's delay due to the COVID-19 pandemic, the Tenth Review Conference of the Non-Proliferation Treaty (NPT) is finally scheduled to meet from 4–28 January 2022. Considered by most governments to be the “cornerstone” of the nuclear non-proliferation and disarmament regime, the NPT is facing serious challenges that threaten not only this upcoming Review Conference but the Treaty itself.

During the period of postponement, the nuclear-armed states have continued to modernise their nuclear weapon arsenals, some have announced increases in the size of their stockpiles, and others have expanded their delivery systems. The US government has changed, but it still seems intent on prefiguring a conflict with China—increasing tensions to manufacture a stand-off, for which it is gearing up in coordination with its allies. The recent announcement of a new military alliance and sharing of nuclear submarine technology amongst Australia, the United Kingdom (UK), and the United States (US) is part of this scheme.

On the positive side, the Treaty on the Prohibition of Nuclear Weapons (TPNW), which outlaws the development, possession, use, and threat of use of nuclear weapons, entered into force on 22 January 2021. Hundreds of cities, towns, and municipalities around the world, in countries where the federal government still supports nuclear weapons, have joined the ICAN Cities Appeal in support of the TPNW.¹ Several banks and pension funds have pulled their money out of investments in nuclear weapon production and modernisation.² Parliamentarians have voiced

their support for the Treaty,³ as have former leaders from nuclear-supportive countries.⁴ In addition, Russia and the United States agreed to extend the New Strategic Arms Reduction Treaty (New START), which has helped to ease tensions between the two countries—though the arms control agreements they abrogated in the preceding years have not yet been resurrected.

Thus the obstacles to a successful outcome of the NPT Review Conference are created not by any technical or legal impediment, but solely by the patriarchal pursuit of power through violence and security through weapons. Progress is possible if the majority of NPT states parties are willing to be creative and are committed to change. This a critical moment for nuclear disarmament, and for our collective survival. NPT states parties must meet the gravity of the moment with urgency and courage in order to fulfill their obligations and the Treaty's objectives.

The refusal to disarm

The nuclear-armed states that are party to the NPT have failed to implement their disarmament commitments and obligations. They have consistently refused to engage in multilateral nuclear disarmament toward the elimination of all nuclear weapons, as mandated by article VI of the NPT. The action plan from the 2010 NPT Review Conference remains only partially implemented. The disarmament actions have suffered the most—of 22 action points, only five have seen substantial forward movement.⁵ Before 2010, the last agreement was reached in 2000—and

the implementation of the “13 practical steps” from that outcome is also woefully inadequate. In 2015, states parties were unable to agree to further actions or steps.

Some nuclear-supportive allies have tried, over the years, to advance the 13 steps by different names. They have convened commissions and produced reports about iterations of what has been variously called the step-by-step approach, building blocks approach, full-spectrum approach, progressive approach, and now what Sweden terms the stepping-stones approach. Each of these has focused on the steps that nuclear-armed states need to take for nuclear disarmament.

But the nuclear-armed countries are backing away from these twenty-year-old unimplemented commitments. In October 2018, the United States described these previous agreements as being from “a different time and a different security environment than we currently face.” The US ambassador told the UN General Assembly First Committee on Disarmament and International Security that “to make progress we need to look forward, not backwards—we must not fixate on historical language that is out of date and out of step with the current prevailing security environment.”⁶ Since then, the US government has institutionalised the concept of “Creating the Environment for Nuclear Disarmament” (CEND), bringing a select group of states together to advance this approach through three working groups on the reduction of the perceived incentives for states to acquire or increase their nuclear stockpiles; the functioning and effectiveness of existing nuclear disarmament mechanisms and

institutions; and potential interim measures to reduce risks related to nuclear weapons.

The “CEND” approach pulls away from past NPT and other nuclear weapon governance agreements, arguing that focusing on the reduction of nuclear weapons or abolition is misguided and instead the international community should focus on “the underlying security concerns that led to their production in the first place.” The foundational document for this approach focuses on the extremely ambitious goal of creating a world in which global politics are completely transformed so that international relations are “cooperative and free of conflict” before the nuclear-armed states can disarm.⁷ This sets a standard—the end of international tensions and conflict—for nuclear disarmament that nuclear disarmament itself would be critical to facilitating.

The UN General First Committee resolution proposed each year by the Japanese government endorses the conditional approach to nuclear disarmament and even tries to water down or backtrack on agreed NPT commitments.⁸ Many states reaffirmed at the 2021 First Committee that this resolution cannot be used at the NPT Review Conference as the basis for negotiating an outcome document.⁹

Implementation of the NPT, including article VI, has never been predicated on first establishing conditions or an environment deemed appropriate by the nuclear-armed states. The leap backwards from decades of agreed commitments and processes “represents a huge distraction from the effort to achieve measurable progress in achieving

the existing disarmament commitments agreed by all NPT parties,” writes former Canadian ambassador Paul Meyer. To trash past agreements and refuse to comply with NPT obligations “risks creating the conditions for nuclear disaster rather than nuclear disarmament.”¹⁰

The urgent need for abolition

In 2020, the Science and Security Board of *Bulletin of the Atomic Scientists* advanced the Doomsday Clock to 100 seconds to midnight, warning, “The world is sleepwalking its way through a newly unstable nuclear landscape.” They asserted that due to the inaction, and counterproductive actions, of world leaders on both nuclear weapons and climate change, they felt “compelled to declare a state of emergency that requires the immediate, focused, and unrelenting attention of the entire world.”¹¹

Indeed, these crises are interlinked. Nuclear weapons contribute to environmental destruction and the climate crisis. A nuclear war would exacerbate climate change. Nuclear weapons and their production facilities have already contaminated land and water around the world. What’s needed right now is urgent action for the abolition of nuclear weapons and immediate, real action on climate change. Citizens around the world are demanding both and are engaged in activism to that end. Governments need to step up, before it is too late.

While the outlook for the upcoming NPT Review Conference appears grim, given the backdrop described above, it provides an important opportunity to demand government action for nuclear weapon abolition. At the 2019 Preparatory Committee meeting, states were unable to agree on recommendations

for the Review Conference. However, the draft recommendations published as a Chair’s summary is a well-balanced document that reflects the views of the entire membership of the NPT, rather than just the nuclear-armed and nuclear-endorsing states parties.¹² Standing by these recommendations rather than watering them down to appease the vocal minority was a bold act, one that should give heart to the international community at a time when belligerence and bullying are the tune of the day.¹³

The Chair of 2019 NPT Preparatory Committee issued some reflections on that meeting, in which he argued there is more convergence than divergence in states parties’ views, including their conviction of the NPT’s importance and relevance.¹⁴ He urged states to move away from entrenched positions and to keep an open mind in order to avoid deadlock. This is a key message. But the persistent challenge, which has only grown throughout the past two review cycles, is the refusal of states that believe in their right to possess nuclear weapons or include them in their security doctrines to change this position. This position is anathema to the NPT itself, especially to its objectives and obligations of averting the danger of nuclear war, ending the nuclear arms race, and achieving the total elimination of nuclear weapons. It is the primary reason why the NPT has not yet been fully implemented, fifty years after its entry into force. And it will be the critical sticking point once again at the upcoming Review Conference, unless the nuclear-armed and nuclear-enabling states begin to comply with international law, which stands firmly against nuclear weapons.

The rest of the world has a stake in this—but also a say. “I am no longer accepting the things I cannot change,” said Angela Davis. “I am changing the things I cannot accept.”

This is the spirit in which non-nuclear-armed states parties need to approach the 2022 Review Conference: a spirit that builds on the courage of the 2019 Chair's team to issue a balanced document at the last Preparatory Committee, a spirit that honours the work that so many have done over so many years to protect future generations from the scourge of nuclear war. Regardless of what we think is possible, we have the duty, and the right, to try to achieve that to which we have all agreed: total nuclear disarmament.

This briefing book aims to provide those interested in the NPT with an understanding of the Treaty's history and current context; critical issues facing the Treaty's implementation; and resources for more information. It also offers recommendations from Reaching Critical Will to governments participating in this NPT Review Conference, including in terms of any potential outcome document, as well as for actions and initiatives beyond the Review Conference. We hope it is useful for governments, international organisations, and other activists in preparing for the Conference.

Photo: ICAN activists at NYC City Hall on 28 January 2020 © Jackie Rudin



Understanding the NPT

The NPT opened for signature on 1 July 1968 and entered into force on 5 March 1970. 189 states have ratified the NPT, becoming “states parties” to the Treaty. India, Israel, and Pakistan have not signed or ratified the Treaty and have developed nuclear weapons since its entry into force. The Democratic People’s Republic of Korea (DPRK) did ratify the Treaty but announced its withdrawal in 2003.

The NPT divides all state parties into two groups: those that tested nuclear weapons before 1 January 1967 and those that did not. The states that tested nuclear weapons before 1967 are China, France, Russia, United Kingdom, and United States.

The Treaty is geared both to preventing proliferation of nuclear weapons to new states and facilitating the elimination of nuclear weapons and delivery systems of the five states it recognises as having nuclear weapons. It sets up what some refer to as the “grand bargain”: that in exchange for a commitment from the rest of the states parties to never develop or receive nuclear weapons, the nuclear-armed states parties promised to eliminate their arsenals and facilitate access to the “peaceful uses” of nuclear technology.

This bargain, however, is under serious strain, as the nuclear-armed states parties have not held up their end in terms of disarmament and are instead modernising and/or expanding their arsenals. In addition, nuclear sharing arrangements under which Belgium, Germany, Italy, Netherlands, and Turkey host US nuclear weapons on their soil, as well as discriminatory practices in relation to access

to nuclear technology and materials, have also undermined the Treaty’s promised bargain.

Summary of the articles

Article I. Nuclear weapon states will not transfer nuclear weapons, nor will they assist in the development of nuclear weapons in any way.

Article II. Non-nuclear weapon states will not acquire nuclear weapons, nor will they manufacture such weapons.

Article III. Non-nuclear weapon states will accept inspection of their civilian nuclear energy plants by the International Atomic Energy Agency (IAEA) and the form of such inspections shall be negotiated by each state and the IAEA in additional protocols.

Article IV. Nothing in this Treaty shall impede states parties’ “inalienable right” to nuclear energy for peaceful purposes.

Article V. Benefits from what were once described as “peaceful nuclear explosions” should be shared all around (this article has been superseded by the Comprehensive Nuclear-Test-Ban Treaty and it is recognised that there no such benefits).

Article VI. Each party to the Treaty is obliged to pursue negotiations on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. States parties also agree to pursue a treaty on general and complete disarmament under strict and effective international control.

Article VII. Nothing in the Treaty can stop nuclear weapon free zones from being negotiated. Several have been and are being successfully implemented.

Article VIII. Sets up a procedure for amendments of the Treaty and for the review process.

Article IX. The Treaty is open for all countries, and it will enter into force when the US, UK, USSR and 40 other states have ratified it. The definition of a nuclear weapon state is one that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

Article X. Each party has the right to withdraw from the Treaty if it decides that extraordinary events have jeopardised the interest of the country. A three month notice of withdrawal must be given to all states parties of the treaty and the United Nations Security Council.

Article XI. The Treaty is available in English, Russian, French, Spanish, and Chinese and all languages are equally authentic.

Previous reviews of the Treaty

NPT states parties meet every five years to “review the progress of the Treaty”. The following is a brief history of those meetings.¹⁵

The first Review Conference was held in **1975**. The diverging views over the objective of the Treaty stem back to this meeting, when the three nuclear-armed states parties

(Soviet Union, United Kingdom, and United States) and most other Eastern and Western bloc countries advocated for strengthened safeguards and universalisation while the non-aligned and neutral countries called for operationalisation of the disarmament objectives. States did agree on a Final Declaration, which among other things expressed concern that while various arms limitation agreements had been concluded since 1970, the nuclear-arms race had continued unabated. It therefore urged resolute efforts by each party to achieve an early and effective implementation of article VI.

In **1980**, states parties were not able to adopt a final document because of differing views over the implementation of article VI. In addition, differences of view concerning the obligation of states parties under articles I and II of the Treaty were pronounced. A number of non-aligned states argued that collaborations on nuclear technology, particularly with some non-parties to the Treaty, could result in proliferation. Some were also frustrated with what they considered restrictive export policies applied to them by suppliers of nuclear technology and equipment.

In **1985**, questions persisted about whether the Treaty had been effective in preventing proliferation, with some states calling out the Israeli and South African unsafeguarded nuclear facilities. Divergent views over technical assistance with “peaceful uses” persisted, as did concern over the lack of nuclear disarmament. Most states expressed concern that talks over a comprehensive nuclear test ban treaty had not continued since 1980. After intense negotiations, states

parties agreed to a final document and a declaration that was critical of some aspects of the NPT's implementation but offered purposeful recommendations to strengthen the Treaty.

In **1990**, states parties could once again not agree to a final document, mostly due to failures to implement article VI, including negotiation of a comprehensive nuclear test ban treaty, and over the spread of nuclear technology in perceived violation of articles I and II of the Treaty.

In **1995**, the Review Conference decided to extend the Treaty past its initial 25 years; it is now an indefinite treaty. States parties also agreed to a package of decisions, including a resolution calling for a nuclear weapon free zone in the Middle East. It also agreed upon a "strengthened review process," which included the introduction of three preparatory committees preceding each review conference.

In **2000**, after intense negotiations and near failure of the conference over lack of implementation of article VI and the resolution on the Middle East, states parties adopted thirteen progressive and systematic steps to implement the nuclear disarmament obligation

in the Treaty and the decisions reached at the 1995 conference.

In **2005**, states parties failed to agree on an outcome document, largely because of disagreement between nuclear-armed and non-nuclear-armed states, with the former emphasising the importance of strengthening non-proliferation efforts and focusing on specific cases of actual and suspected non-compliance with the Treaty, and the latter emphasising the importance of compliance with and implementation of past disarmament obligations.

In **2010**, states parties adopted a 64-point action plan for implementing the NPT, with sets of actions on nuclear disarmament, non-proliferation, and nuclear energy. Implementation of the actions across the three pillars varied greatly. By 2015, only 28 of the actions were fully implemented.

In **2015**, states parties did not adopt an outcome. The United States, United Kingdom, and Canada blocked the adoption of a text that had been painstakingly negotiated throughout the month-long review conference, at the behest of Israel, a non-state party that possesses nuclear weapons. The negotiated text was notoriously weak on disarmament, in some cases moving backwards from previous commitments.



Critical issues

Modernisation of nuclear weapons

China, the DPRK, France, India, Israel, Pakistan, Russia, the United Kingdom, and the United States all possess the capacity to detonate nuclear explosive devices. The DPRK's programme is relatively recent and in development, but the rest of these states have had nuclear weapons for decades. They are now all "modernising" their arsenals of warheads and delivery systems. Some are also expanding the size of their arsenals. Please see Reaching Critical Will's upcoming publication *Assuring destruction forever: 2022* edition for the latest updates and details of these modernisation programmes.¹⁶

Nuclear weapon modernisation programmes are not just about "increasing the safety and security" of nuclear arsenals, which is what the governments of these countries claim. The "upgrades" in many cases provide new capabilities to the weapon systems. They also extend the lives of these weapon systems beyond the middle of this century, ensuring that the arms race will continue indefinitely.

Modernisation of nuclear weapons is driven largely by the quest for military advantage. The theory of nuclear "deterrence" requires the threat of the use of nuclear weapons to be credible, and preparations for such use, legitimate. Modernisation, especially if new capacities are created, refreshes the perceived utility and credibility of nuclear use, both technically and politically. The only way to prevent states from modernising their nuclear weapons is to prohibit and eliminate the weapons.

Article VI of the NPT obligates all states parties to "undertake 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." Nuclear weapon modernisation is the qualitative aspect of the "nuclear arms race". Forty-five years ago the NPT required this practice to end "at an early date," an outcome the Treaty paired with "good faith" progress toward nuclear disarmament. The NPT, especially as unanimously and authoritatively interpreted by the International Court of Justice, requires nuclear disarmament.¹⁷ The illegitimacy of nuclear weapons is a foundation of the NPT.

Thus nuclear weapon modernisation goes against the letter and spirit of international law. These programmes are also absurd and immoral, in light of the known consequences of their use and in light of the economic, social, and environmental crises we collectively face. The nine states possessing nuclear weapons, and the countries that support the modernisation and perpetuation of their arsenals by including nuclear weapons in their security doctrines, are all complicit in this horrific threat to the planet.

These states' failure to meet their legal obligation to end the nuclear arms race and eliminate their arsenals must be met with resolve for concrete action by non-nuclear-armed states so as to avoid further entrenchment of the indefinite possession of nuclear weapons. All governments have the responsibility to prevent a humanitarian and environmental tragedy. The Treaty on the Prohibition of Nuclear Weapons is a step in the right direction, particularly in its prohibition on assistance with prohibited acts under the treaty. This provision can help impede modernisation

programmes and help to facilitate and compel the elimination of nuclear weapons through economic divestment from nuclear weapon production.

Recommendations

- All states possessing nuclear arsenals should halt research, development, testing, and production of nuclear weapons and delivery systems. They should also declare that they will not design, develop, or produce new nuclear weapons, or modify or modernise existing warheads to add military capabilities.
- States not possessing nuclear weapons should continue to raise concerns about the threat that the existence of nuclear weapons poses for human security and call on nuclear-armed states to halt all modernisation projects and meet their commitments to nuclear disarmament.
- States that include nuclear weapons in their security doctrines should renounce them and withdraw support for any relevant modernisation projects.
- States parties not possessing nuclear weapons should continue to highlight that a world free of nuclear weapons can only be achieved if the nuclear-armed states stop modernising their nuclear arsenals and thereby extending their existence into the distant future.
- Non-nuclear armed states should stop providing any material or financial support to public or private companies involved in nuclear weapon production, testing, or modernisation. They should also prohibit such investment by companies or other entities within their jurisdiction.

Doctrines and transparency

Action 5 of the 2010 NPT Review Conference outcome document committed nuclear-armed states to “promptly engage with a view to,” among other things, diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines, and policies and further enhancing transparency and increasing mutual confidence. They were called upon to report on these undertakings in 2014; they were also, by action 21, encouraged to agree on a standard reporting form. Instead of complying with these agreed commitments, the nuclear-armed states came to the 2015 Review Conference with only a glossary of nuclear terms (an activity that did not appear anywhere in the 64 actions of the 2010 agreement).

This flagrant disregard for agreed commitments continues to undermine the NPT’s credibility. It is not just the nuclear-armed states that contribute to this, however. All states parties agreed in 2010 to pursue “policies that are fully compatible with the treaty and the objective of achieving a world without nuclear weapons”. This is the first action in the 64-point action plan. There is, of course, ample evidence that the five nuclear-armed states parties have failed to abide by this commitment. But several other states parties have also not pursued policies fully compatible with the goal of elimination.

Several non-nuclear-armed states parties—e.g. those with the North Atlantic Treaty Organisation (NATO) and those that maintain a doctrine of “extended nuclear deterrence” such as Australia, Japan, and Republic of Korea—continue to claim that nuclear weapons are essential for their security. There have been seen no signs of movement by any of them towards diminishing, let alone eliminating, the role of nuclear weapons in their military concepts. If anything, they have

become even more strident in their defence of nuclear weapons as legitimate and necessary, despite acknowledging their catastrophic humanitarian consequences.

An historical study that shows how since NATO's creation, nuclear-armed states forced their allies to "dip their hands in the blood" of nuclear weapons in order to share moral responsibility for their deployment and possible use. This was a deliberate strategy developed in response to widespread antinuclear sentiment of the global public. By "spreading the burden," the nuclear-armed states of NATO could justify their retention and now modernisation of nuclear weapons, and withstand public pressure to disarm.¹⁸

These states have an obligation to change this dynamic within NATO. Right now, instead they are reinforcing the false belief that nuclear weapons are legitimate, useful, and necessary instruments of security. This is contrary to the NPT's explicit understanding that nuclear war would result in devastation for humankind and that every effort should be made to prevent this. If these states genuinely consider the NPT to be the "cornerstone" of the non-proliferation and disarmament regime, they need to take steps to end their reliance on nuclear weapons, remove nuclear bombs stationed on their territories, and end their involvement in nuclear war planning activities.

As a first step, they should become more transparent about their practices. Those that station nuclear weapons on their territories should end their opaque policy of neither confirming nor denying this. These "host" states should provide details of the location, the number, the status, and the type of these weapons, as well as the vehicles that would be used to deliver them.

The NPT states parties that permit the transit of nuclear weapons through their territory, including their territorial waters, should inform other states parties when, how often, along which routes, and at what risk to their own citizens—and to the citizens of the world. These are reasonable questions that should not go unanswered. Enhanced transparency is a responsibility for all states parties.

The NPT and its outcome documents have also continuously stressed the need to reduce the role of nuclear weapons in security doctrines. Nuclear weapons do not bring security; recognising this and taking action on this point is important for nuclear disarmament. The draft outcome document of the 2015 NPT Review Conference, which was not adopted in the end, called upon all states concerned "to continue to review their military and security concepts, doctrines and policies over the course of the next review cycle, with a view to reducing further the role and significance of nuclear weapons therein." It was useful that this applied not just to nuclear-armed states but was inclusive of all states that include nuclear weapons in their doctrines.

The draft outcome also encouraged nuclear-armed states to include specific details in their reporting, including the number, type, and status of nuclear warheads; number and type of delivery vehicles; measures taken to reduce the role and significance of nuclear weapons in military and security concepts, doctrines, and policies; measures taken to reduce the risk of unintended, unauthorised, or accidental use of nuclear weapons; measures taken to reduce the operational readiness of nuclear weapon systems; number and type of weapons and delivery systems dismantled and reduced; and the amount of fissile material for military purposes.

These are important steps that should be pursued at this Review Conference. Five decades after this landmark agreement entered into force, we must be asking not only whether the nuclear-armed states parties are doing enough to fulfill their obligations, but also whether every non-nuclear-armed state party is doing enough. Certainly, the vast majority of states are taking article VI very seriously, by negotiating and adopting the Treaty on the Prohibition of Nuclear Weapons and establishing regional nuclear weapon free zones. But a small handful of states are failing to comply with their disarmament obligations. The rest of the NPT membership should demand better from them.

Recommendations

- All nuclear-armed states parties should:
 - a) take steps to eliminate any role for nuclear weapons in their military and security concepts, doctrines, and policies;
 - b) submit plans for doing so;
 - and c) report on the items included in the draft 2015 outcome document, with a view towards total elimination.
- All non-nuclear-armed states parties that claim protection from nuclear weapons should:
 - a) take steps to eliminate any role for nuclear weapons in their military and security concepts, doctrines, and policies;
 - b) submit plans for doing so;
 - and c) provide details about the deployment of nuclear weapons on their territory or the transit of nuclear weapons through their territory. All other non-nuclear-armed states parties should highlight the incompatibility of such policies and practices with the NPT and the objective of achieving a world without nuclear weapons.

They should underscore that the obligation to pursue nuclear disarmament applies to all states parties, not only to those armed with nuclear weapons. They should also question actions taken by nuclear-armed states that are contrary to the object and purpose of the NPT, in line with the proposed reporting outlined in the draft outcome document of the 2015 Review Conference.

Middle East weapon of mass destruction free zone

Banning nuclear weapons in the Middle East has been linked to broader regional security issues and the eventual banning of all weapons of mass destruction. A Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East was first proposed by Egypt in 1990 with backing from Iran.¹⁹ In 1995, the NPT Review and Extension Conference resulted in the indefinite extension of the NPT and a resolution, co-sponsored by Russia, the United Kingdom, and the United States, calling for “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems.” The resolution also called on all NPT states parties, and in particular the nuclear-armed states, to “extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.”²⁰

The 2000 NPT Review Conference reaffirmed the goal of the 1995 conference and stated that the resolution would be “valid until its goals and objectives are achieved.”²¹ It was only at the 2010 NPT Review Conference,

however, that states parties agreed upon practical steps to progress towards establishing the zone. Specifically, states agreed that, in consultation with regional countries, the UN Secretary-General and the three co-sponsors of the 1995 resolution would convene a conference in 2012 to be attended by all states in the Middle East on “the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.” A related measure was the appointment of a WMDFZ facilitator with “a mandate to support implementation of the 1995 Resolution by conducting consultations and undertaking preparations for the convening of the 2012 conference.” States parties also agreed that a host country to convene the conference would be designated. Finland’s Ambassador Jaakko Laajava was appointed to serve as facilitator.²²

In November 2012, however, the conference was called off by the United States “because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference.”²³ Similarly, at the 2015 NPT Review Conference, calls to restart the talks on the WMDFZ were derailed by the United States, the United Kingdom, and Canada.

On 29 April 2013, Egypt walked out of the NPT Preparatory Committee in Geneva in protest at the lack of progress on convening the WMDFZ conference. Egypt stated that the purpose of its walk-out was “to send a strong message that it does not accept the continued lack of seriousness in dealing with the issue of establishing a zone free of nuclear weapons in the Middle East.” The Egyptian statement also pointed to “some of the parties to the NPT, as well as some non-state parties” of hindering the establishment of the conference.²⁴

In 2018 the United States submitted a working paper on “creating conditions conducive to a Middle East free of weapons of mass destruction (WMD) and delivery systems” that suggested the NPT need not be the primary mechanism for progress on a WMD-free zone.²⁵ Other states parties refuted this conclusion as an unacceptable reinterpretation of, and backtracking on, the 1995 commitment.²⁶

Major obstacles remain in the path of achieving the zone. The main stumbling block to meaningful progress on the zone involves sharp disagreement amongst regional countries on the terms and the sequence of steps leading to its establishment. The security concerns in the region are viewed through two prisms—Israel, as the sole nuclear-armed state, insists on a comprehensive peace agreement with its Arab neighbours before committing to any talks on the zone, while other regional states emphasize the need for the creation of the zone first as a contribution to peace and stability.²⁷

There are, however, some developments outside of the NPT process that have contributed positively to regional WMD nonproliferation, including the 2015 Joint Comprehensive Plan of Action (JCPOA) between Iran, the EU and the P5+1 (China, France, Russia, United Kingdom, and United States plus Germany), coupled with Syria’s accession to the Chemical Weapons Convention in 2013. While the JCPOA has come under major strain following the 2018 US withdrawal and subsequent Iranian suspension of commitments under it, recent Vienna talks are a positive sign towards reviving the deal. Moreover, since 2019 there have also been changes in the Middle East security situation. These changes include the Abraham Accords²⁸ formalising relations between Israel and four other countries in the

proposed zone, the new government coalition in Israel,²⁹ the rapprochement between Tehran and Riyadh,³⁰ and progress on the Libyan peace talks.³¹ These events have improved the prospects for dialogue among key actors in the region.

In concrete terms towards establishing the zone, in October 2018, the First Committee of the UN General Assembly adopted a decision, submitted by the Arab States, which requested the UN Secretary-General to convene a regional conference on the zone by the end of 2019. While the US and Israel voiced their opposition to this initiative, the conference took place on 18–22 November 2019 in New York. All the Middle East states except for Israel participated. Four nuclear-armed states participated: China, France, Russia, and the United Kingdom. The United States and Israel did not. The conference adopted a political declaration, which reaffirms the intention to negotiate a legally binding instrument for the establishment of a Middle East WMDFZ.³²

The second conference, which took place in 2021, also ended on a hopeful note. The final report³³ was adopted by consensus on the last day of the conference. The key features of the report include agreement on the rules of procedure, thematic areas, and continuing the discussion through intersessional meetings. The decision³⁴ of states to establish a Working Committee to continue deliberations during the Intersessional Period of the Conference is an encouragement for civil society to continue their work.³⁵

This annual conference is mandated to take place until all regional countries agree to a WMDFZ treaty freely arrived at by consensus. And by coming back year after year to this conference and organizing work between the sessions, it will build trust and confidence among the regional countries—giving reason

for Israel to join the process. This will not happen overnight, but all dialogue among these countries must be welcomed and the process itself protected.

Recommendations

- States parties to the NPT should support the November Conference process and welcome it in the final document, rather than using the Middle East as a reason to block any outcome of the NPT Review Conference as was done in 2015.
- States from outside the zone should approach future talks on the WMDFZ with good will to find paths forward such as hosting non-official round tables for diplomats and experts from the zone. This could help bring all the relevant parties to the table in a constructive way.
- States parties to the NPT that still possess or host nuclear weapons should lead by example and declare a timeline for their obligations under Article VI of the NPT.
- Civil society must be included in the efforts toward establishing the zone.

Nuclear risk and humanitarian consequences

The immediate effects of even a single nuclear weapon detonation are horrifying and overwhelming. One detonation will cause tens of thousands of casualties and inflict immediate and irreversible damage to infrastructure, industry, livelihoods, and human lives. The effects will persist

over time, devastating human health, the environment, and our economies for years to come. These impacts will wreak havoc on food production, natural disasters, and displace entire populations.³⁶

The mere existence of nuclear weapons generates great risk. There have been many instances of near-misses and potential accidental nuclear detonations.³⁷ There have also been a number of recent reports of the declining operational atmosphere and disturbing behaviour of those in supposed “command and control” of these arsenals.³⁸ Furthermore, the policies of “nuclear deterrence” and military doctrines of nuclear-armed states and their allies require preparations for the use of nuclear weapons. The potential use of nuclear weapons in a conflict between their possessors or in pre-emptive or retaliatory strikes against others is not a threat of the past.

In December 2019, the United States deployed a new type of nuclear warhead, which it described as a “low-yield” nuclear weapon because it is about one-third the size of the bomb dropped on Hiroshima.³⁹ Experts have expressed concern that this is likely to lower the threshold for its use. However, the weapon has a 5 kiloton yield, which if detonated would have hundreds of thousands of casualties and lasting environmental impacts. Smaller explosive yields are still horrendous in their effects. There is no such thing as a usable nuclear weapon. Even the smallest nuclear weapon is a hundred times more powerful than the most destructive conventional bomb, and that is without taking into account radioactive fallout.

The 2010 NPT outcome document expressed concern about the “catastrophic humanitarian consequences of any use of nuclear weapons” and committed states parties to “pursue

policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.” Building from here, the vast majority of states gathered for three major diplomatic conferences and issued joint statements on this subject up until the 2015 Review Conference.

Three major diplomatic conferences were convened between the 2010 and 2015 NPT Review Conferences to examine the far-reaching and devastating impacts of nuclear weapon detonations, with the aim of reinvigorating disarmament efforts and devising new paths to abolition. The first was held in Oslo in March 2013 with delegates from 128 states, the second in Nayarit in February 2014 with 146 states, and the third in Vienna in December 2014 with 158 states. All included the voices of relevant United Nations agencies, the International Red Cross and Red Crescent Movement, academia, and non-governmental organisations. These conferences led to new information about the risks and consequences of nuclear weapons, and to the negotiation and adoption of an international legally binding instrument to prohibit nuclear weapons in 2017.⁴⁰

Ahead of the Review Conference, the International Red Cross and Red Crescent Movement brought together experts and government representatives in Geneva to discuss the humanitarian consequences and the growing risks of nuclear weapons for a one-day expert meeting. The meeting covered issues ranging from the emerging evidence on the immediate and longer-term humanitarian and environmental consequences of nuclear weapons, the drivers of nuclear weapons risks, and the measures that should be taken to avert nuclear catastrophe.⁴¹

It is crucial for the 2022 NPT Review Conference to maintain the language of the

2010 outcome document. Certain countries, particularly the nuclear-armed states, have attempted in the intervening period to water down references to the humanitarian impacts and to international humanitarian law. But as the joint humanitarian statements have consistently said, “It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances.”⁴² Undermining the already agreed language on the impacts and consequences of nuclear weapons would be to undermine the Treaty itself.

Recommendations

- States should welcome the recent work undertaken to examine the humanitarian impact of nuclear weapons and endorse the findings and outcomes of the Oslo, Nayarit, and Vienna conferences. They should express deep concern at the continued risk for humanity represented by the possibility that nuclear weapons could be used and the catastrophic humanitarian consequences that would result from this use.
- States should ensure the 2020 outcome document reflects the language from 2010 to express “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and to reaffirm “the need for all States at all times to comply with applicable international law, including international humanitarian law.” It should also reflect language from the TPNW preamble, which recognises “that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law.”

It could also include the language from the joint humanitarian statement of 28 April 2015, endorsed by 159 states, which notes, “It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances.”

- States should support all initiatives to stigmatise, prohibit, and eliminate nuclear weapons, to stop the production of fissile materials and eliminate existing stocks, to establish verification measures for nuclear disarmament, and to take nuclear weapons off alert status.

Nuclear energy

Nuclear weapons are not the only nuclear risk. Nuclear weapons and nuclear energy both offer only “a vision of hell,” to draw upon the description of nuclear power plants by Japanese novelist Haruki Murakami.⁴³ Both are characterised by their inherent risks and capacity to unleash uniquely horrifying forms of devastation upon human bodies, the environment, and our socioeconomic infrastructure.

In 1953, just a few years after the United States used two nuclear weapons against Japan, US President Eisenhower launched his Atoms for Peace programme at the United Nations. It resulted in the spread of nuclear technology and materials around the world for so-called peaceful uses—energy, medicinal uses, and research. In reality, nuclear technology is anything but peaceful.

Nuclear power is the most expensive and dangerous way to boil water to turn a turbine.⁴⁴ It contains the inherent potential for catastrophe. There is no such thing as a safe

nuclear reactor.⁴⁵ All aspects of the nuclear fuel chain, from mining uranium ore to storing radioactive waste, are devastating for the earth and all species living upon it.⁴⁶ Radiation is long lasting and has inter-generational effects.

Nuclear energy is not a solution to the climate crisis.⁴⁷ As hundreds of civil society groups said to the UN Climate Conference (COP26), nuclear power is “a dangerous distraction from the real movement on the climate policies and actions that we urgently need.”⁴⁸

Yet the nuclear industry and certain governments continue to promote nuclear energy as clean, safe, and reliable. This has everything to do with capitalism and nothing to do with protecting the planet or its people. For the nuclear power industry, the primary motive for operation is profit. History shows us that increasing profit is often best achieved in ways that are not consistent with designing or operating the relevant equipment for the lowest risk to humanity or the planet. It is less likely to be achieved by honestly exploring alternative sources of energy that might necessitate initial investments, or that might not be eligible for the same government (i.e. taxpayer-funded) subsidies as nuclear is in many countries. Profit is also less likely to be achieved by designing economically efficient, need-oriented, and environmentally sound sources of energy.⁴⁹ Scientists and activists alike have noted that nuclear power, which produces energy “in large, expensive, centralized facilities” is not useful “for solving the energy needs of the vast majority of [the world’s] population, much less so in a way that offers any net environmental gains.”⁵⁰

In the meantime, the spread of nuclear energy around the world since 1953 has enabled the related development of nuclear weapons in several countries, and to the proliferation of nuclear materials and technology that are

becoming susceptible to terrorist attack or accidents. The continued existence of nuclear fuel cycle facilities, technology, and material makes it more difficult to reach a world free of nuclear weapons. Since 1945, many scientists, activists, and government officials have pointed out that nuclear material, technology, and facilities are dangerous whether they are in weapons form or for “peaceful uses”. Eliminating all nuclear materials and technology, whatever its designated purpose, is the only way to ensure that it does not result in catastrophe, by accident or design.

Within the NPT context, nuclear energy is upheld by most states as an “inalienable right”. This means that most states laud its perceived benefits and promote its expansion, regardless of the risks to humanity, the environment, and proliferation. A few states parties recognise these inherent risks and have chosen not to pursue or to phase out nuclear power as part of their energy mixes. The more states parties that follow this path, the better for us all.

Recommendations

- States should support the 25 May 2011 declaration by the governments of Austria, Greece, Ireland, Latvia, Liechtenstein, Luxembourg, Malta, and Portugal, in which they argued that nuclear power is not compatible with the concept of sustainable development and called for energy conservation and a switch to renewable sources of energy world-wide.

- States should also support the February 2011 call from a group of *hibakusha* for phasing-out all sources of radiation—from uranium mining, nuclear reactors, nuclear accidents, nuclear weapons development and testing, and nuclear waste—and for investment in renewable, clean energy for a sustainable future.
- States should phase-out nuclear energy and increase their support for the development of commercially viable renewable and non-carbon emitting sources of energy. Governments should cease their promotion of nuclear power.

Nuclear disarmament and the prohibition of nuclear weapons

A fundamental problem with the NPT is the special status it grants to five states on the basis of their pre-existing possession of nuclear weapons—China, France, Russia, the United Kingdom, and United States. This status has been used by these states to argue the legitimacy of this possession. Tony Blair, then-UK prime minister speaking in the House of Commons in 2007, argued that the NPT “makes it absolutely clear that Britain has the right to possess nuclear weapons.”⁵¹

This is not a good-faith interpretation of the NPT. The Treaty simply acknowledges that five states possessed tested nuclear arsenals at the time of its negotiation, and further subjects those states to an obligation of negotiating disarmament. Nonetheless, as decades have gone by without the elimination of those weapons the NPT has seemed to have formalised a regime of nuclear weapon “haves and have nots” that undermines its legitimacy and effectiveness in the eyes of many governments and publics.

In the last review cycle, the nuclear-armed states parties failed to implement even the most basic commitments they made in the 2010 action plan in regards to disarmament. Under action 5, for example, they committed to engage with other states on matters of global stockpile reduction; tactical nuclear weapons and nuclear “sharing”; diminishing the role of nuclear weapons in security policies; preventing nuclear weapons use and eliminating nuclear weapons; reducing operational status of nuclear weapons; reducing the risk of accidental use; and increasing transparency and mutual confidence. The nuclear-armed states met with each other on a number of occasions, but by 2015 they had just developed a glossary of nuclear terminologies—which was not even something they had agreed to do in 2010.

2015 is not the first review conference to which the nuclear-armed states parties have shown up empty handed. This has been a consistent pattern since 1975. It was only a matter of time before other states parties decided to take matters into their own hands—and in 2010, they started doing just that. The result of this initiative was the adoption in July 2017 of the Treaty on the Prohibition of Nuclear Weapons (TPNW). It is likely that the future relationship between the NPT and TPNW and related political dynamics will have some impact on discussions during this NPT review cycle. It is therefore helpful to understand the background and connection between them.

Reengaging a humanitarian perspective

The focus on the humanitarian consequences of nuclear weapons since 2010, including through the three conferences hosted by Norway, Mexico, and Austria described above, brought to the fore a recognition that

the stockpiling and deployment of nuclear weapons present distinct risks of nuclear detonation, whether intentional or accidental. It also opened space for consideration of the most appropriate political and legal responses to the continued existence of nuclear weapons. This new discourse has been accompanied by a growing realisation that the nuclear-armed states and their allies cannot be relied upon to accomplish the elimination of their nuclear weapons alone.

The chair's summary of the Mexico conference concluded that "new international standards and norms" must be developed in order to eliminate nuclear weapons. It noted that the prohibition of certain categories of indiscriminate weapons has typically preceded their elimination.⁵² In the months following the Mexico conference, many states endorsed the chair's call for a "legally-binding instrument" to prohibit nuclear weapons, including all members of the African Group and the Community of Latin American and Caribbean States.

At the final humanitarian conference, in Vienna, states were even more vocal in their support for negotiations on a prohibition treaty. The chair's summary reflected this, stating, "Many delegations ... expressed support for the negotiation of a new legal instrument prohibiting nuclear weapons, constituting an effective measure towards nuclear disarmament, as required also by the NPT."⁵³ It noted that nuclear weapons—unlike other weapons of mass destruction—are not yet subject to a comprehensive, global prohibition.

The host government of Austria concluded the Vienna conference by issuing a special Pledge "to identify and pursue effective measures to fill the legal for the prohibition and elimination of nuclear weapons."⁵⁴ Many states have since endorsed this Pledge by formal

diplomatic means, signalling their intent to work with relevant stakeholders "to stigmatize, prohibit and eliminate nuclear weapons." By the end of the 2015 NPT Review Conference, 127 states had endorsed what was then known as the Humanitarian Pledge.⁵⁵

Filling the legal gap

In light of the tremendous success of these conferences—as well as the strong support shown for recent joint statements on the same topic in the First Committee of the UN General Assembly and at NPT meetings (the statement at the NPT 2015 Review Conference had 159 states signing on)—the UN in Geneva convened a series of meetings in 2016 to discuss the legal and political options for moving forward.⁵⁶ By the time the UN General Assembly convened in October 2016, it was clear that the vast majority of states supported the negotiation of a treaty banning nuclear weapons. Over 120 states voted in favour of convening these negotiations in 2017, even without the support of the nuclear-armed states.⁵⁷

The nuclear-armed states indeed did not attend these negotiations. Over the years leading up to the nuclear ban treaty, they issued increasingly alarmist rhetoric against this process, with the US delegation once even suggesting the ban would undermine strategic stability so greatly it may lead to a nuclear war.⁵⁸ The US government under President Obama also instructed its allies that include nuclear weapons in their security doctrines, to boycott the talks.⁵⁹

Despite this opposition, the UN conference to negotiate a legally binding treaty to prohibit nuclear weapons was a resounding success.⁶⁰ Over 130 governments participated in the conference.⁶¹ Civil society, and international organisations engaged in interactive dialogue

together, highlighting the uniquely collaborative nature of these negotiations. Civil society organisations accredited to the conference provided daily interventions on each of the topics discussed by states, and experts were invited by the president of the conference to engage informally with states to discuss some of the most critical issues under consideration.

122 states voted for the adoption of the Treaty on 7 July 2017. After achieving the required 50 ratifications, it entered into force on 22 January 2021. Since then, it has continued to gain in signatures and ratifications.

The TPNW outlaws the development, testing, production, manufacture, acquisition, possession, stockpiling, stationing, deployment, transfer, use, or threat of use nuclear weapons, or assisting with any of these prohibited activities. It contains provisions for victim assistance and environmental remediation. It also sets out a process by which states with nuclear weapons can join and eliminate their arsenals. Significantly, it recognises that any use of nuclear weapons would be contrary to international humanitarian law. It puts nuclear weapons on the same legal footing as the other weapons of mass destruction, biological and chemical weapons.

The TPNW is not an end in itself. But prohibiting nuclear weapons will be a catalyst for change. It is already having an impact, particularly on economic investments in nuclear weapon production. The largest Dutch pension fund, the civil servants fund ABP, has decided to end its investments in producers of nuclear weapons. The pension fund recognises that this global ban on nuclear weapons was decisive in its decision.⁶² Similarly, Norway has decided to exclude investments in BAE Systems, AECOM, Fluror Corp, Huntington Ingalls Industries,

and Honeywell because of these companies' involvement in the production of key components for nuclear weapons.⁶³

There is much work to be done to ensure the TPNW's full implementation and achieve the overarching goal of nuclear disarmament and a nuclear weapon free world. But what we have seen so far should give us great hope that this is possible, and that the process of banning nuclear weapons is bringing broader change to how things can be and will be done in international relations.

The TPNW and the NPT

Opponents of the ban treaty have tried to manufacture a false tension between the TPNW and the NPT, but in both a legal and practical sense the treaties are complementary. The negotiation of the TPNW was the logical and necessary response to the deep concern expressed by all NPT states parties in 2010 at the "catastrophic humanitarian consequences" of any use of nuclear weapons.

The NPT does not set out a timeline or plan for disarmament; it simply obligates states to disarm. As we have seen with other weapon systems, prohibition facilitates elimination. Banning nuclear weapons is an important first step to eliminating them. As stipulated in article VI of the NPT, it is the responsibility of all states to make progress towards negotiations on nuclear disarmament. Any step towards the categorical prohibition of nuclear weapons would be fully consistent with the NPT, constituting an "effective measure" referred to in article VI.

The current lack of progress on nuclear disarmament, coupled with modernisation programmes and the insistence of some states that these weapons have security value,

makes preventing proliferation and achieving a world free of nuclear weapons difficult if not impossible. Banning nuclear weapons does not solve all of the challenges facing the NPT immediately. But it will go a long way towards addressing many of the concerns and problems facing the NPT regime.⁶⁴

The NPT itself sets out both the rationale and obligation to ban nuclear weapons. It highlights the catastrophic consequences of the use of nuclear weapons as its motivation for preventing proliferation and achieving disarmament. It specifically seeks to end the arms race and the production of nuclear weapons, and to achieve the total elimination of nuclear weapons through good faith negotiations. Banning nuclear weapons, which also has as its primary motivation the catastrophic consequences of the use of nuclear weapons, likewise seeks to end the production and possession of nuclear weapons.

Taking the step of categorically prohibiting these weapons is fully consistent with the NPT and will only help to achieve its goals. Amongst other things, the TPNW further stigmatises nuclear weapons—which has impacts beyond just states parties to the treaty. It will change the legal and political landscape, creating a new norm against the possession and financing of nuclear weapons. It will also support a new discourse about nuclear weapons that understands them as weapons of terror, instability, and insecurity rather than as “deterrents” or instruments of “security”. Stigmatisation will make it clear that nuclear weapons are incompatible with the principles of human rights and humanitarian law, becoming increasingly unattractive to governments that wish to be viewed in good standing in the international community.

At the same time, the TPNW will also help create the conditions for nuclear disarmament.

It will help provide a space and context for disarmament and for an end to further nuclear weapon development and modernisation. It will provide an economic impetus for financial divestment from nuclear weapons production and political, legal, and social incentives to stop the arms race and begin a real process of nuclear disarmament.

The TPNW also raises an extremely important point about process. The problem with the NPT is that its states parties, especially its nuclear-armed states parties, make commitments but then choose not to implement them. Most other states parties compromise to reach agreements—they accept less than they would otherwise, and they offer other commitments in return. But sometimes before the ink is even dry, the countries that forced those concessions have walked away from or reinterpreted the agreement. Article VI. The 1995 resolution on the Middle East. Most of the 13 practical steps from 2000. Actions 5 and 21, among others, of the 2010 action plan. All are examples of this phenomenon within the NPT context.

The solution is to stop waiting for these countries to take the initiative to fulfill their commitments, and to prevent them from dictating how agreements are reached. When there is a known and established pattern of certain states forcing concessions and then walking away from the commitments they have made, other states should act to ensure this does not stand in the way of achieving collective security goals.

Moving from a state-centric to a humanitarian approach to security was an excellent start. The debate on the humanitarian impact reestablished the fact that nuclear weapons are dangerous and destructive. It also emphasised the perspective that disarmament is everyone’s responsibility. In this shifting and

insecure world, there are actions we can take and paths we can walk on without waiting for the obstacles to move themselves.

The NPT cannot relegate the achievement of its most fundamental objective—an end to nuclear weapons—to an indefinite holding pattern, until those that possess them feel “conditions are right”. All states have the immediate obligation to implement their commitments as reflected in the spirit and letter of the NPT and the outcome documents of its review conferences. Prohibiting nuclear weapons is part of that implementation process. This is not about walking away from the NPT. If the NPT falls apart, that will be because of the choices nuclear-armed states have made over the past half-century to shirk their responsibilities on disarmament. Instead, the TPNW is about trying to live up to the NPT objective of achieving and maintaining a world free of nuclear weapons, of creating the “conditions” that will help facilitate an end to the nuclear arms race and the total elimination of all nuclear weapons.

The Chair of the 2018 NPT Preparatory Committee issued a factual summary in which he noted the adoption of the TPNW and the fact that a number of NPT states parties asserted that the TPNW represented an effective measure under article VI of the NPT by creating a legally binding prohibition on nuclear weapons. It stressed that the TPNW complemented the NPT and was designed to strengthen existing disarmament and nuclear non-proliferation regimes.⁶⁵ The recommendations to the Tenth Review Conference, published as the 2019 Preparatory Committee Chair’s summary, acknowledged “the need for a legally-binding norm to prohibit nuclear weapons in order to achieve and maintain a world without nuclear weapons.” It also acknowledged “the support by many States parties for the Treaty on the Prohibition

of Nuclear Weapons and its complementarity to the NPT.”⁶⁶ This is important language upon which the NPT Review Conference can draw.

Recommendations

- Nuclear-armed states must reiterate their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals.
- Nuclear-armed and nuclear weapon-endorsing states should undertake and report to NPT meetings on actions undertaken that are consistent with achieving and maintaining a nuclear weapon free world per article VI.
- States should raise concern with the lack of progress in implementing article VI of the NPT and achieving nuclear disarmament, and must not accept any language in an outcome document that undermines existing disarmament obligations and commitments.
- States should condemn nuclear-armed states’ qualitative and quantitative advancement of their nuclear arsenals.
- States should call on nuclear-armed states to undertake nuclear disarmament and cease their modernisation programmes, and for nuclear-endorsing states to stop hosting other countries’ nuclear weapons on their territories and reject the use or threat of use of nuclear weapons on their behalf.
- States should welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW), call on all states to join the treaty, and recognise the positive and complementary relationship between the NPT and the TPNW.

Gender

Gender has implications for nuclear weapon use, possession, and policies. The patterns of harm, the discourse of and approach to nuclear disarmament, and diversity in participation in disarmament processes and negotiations, are three key issues requiring further examination and consideration during the NPT Review Conference and beyond.

Gendered impacts. As with other types of weapons, nuclear weapons have gendered impacts. Women face unique devastation from the production, testing, and use of nuclear weapons, in particular the effects of ionising radiation on reproduction and maternal health.⁶⁷ Studies show that women are more vulnerable to ionising radiation than men and pregnant women exposed to high doses of ionising radiation are at risk of harm to their children, including malformations, disabilities, as well as the risk of stillbirth. In some communities where nuclear weapon testing has occurred, the social and cultural responsibilities of women have also put them at greater risk of exposure. Similar to women that have survived other types of harmful impacts of weapons, such as landmines or explosive weapons, women who have survived nuclear weapon tests or use also face unique social challenges related to how they are treated in societies and communities. They are often stigmatised or shut out.

Gendered discourse.⁶⁸ Nuclear weapons are loaded with symbolism – of potency, protection, and the power to “deter” through material “strength”. For many, such symbolism obscures the real point of the existence of these arms – to destroy – and their horrendous effects. Possessing and brandishing an extraordinarily destructive capacity is a form of dominance associated with masculine warriors.

The nuclear weapon discourse is also mired in dichotomies such as hard versus soft security, strong versus weak, active versus passive, and national security versus human security. With remarkable consistency, the masculine-identified sides of these pairs are tacitly attributed more value than the other. Those talking about humanitarian consequences of nuclear weapons and calling for their prohibition are accused of being divisive, polarising, ignorant, and even emotional. Opponents say they support “reasonable,” “realistic,” “practical,” or “pragmatic” steps and that anything else is irrational and irresponsible.

Understanding the gendered meanings and characterisations embedded in the discourse and politics of nuclear weapons is important. Just as the humanitarian discourse undermines the perceived legitimacy of nuclear weapons, a gender discourse undermines their perceived power and currency. It also helps illuminate possible solutions. By challenging the discursive equation of nuclear weapons with masculine strength and power, we confront approaches to nuclear governance that work in favour of the indefinite retention of nuclear weapons by a handful of states.

Gender diversity. This dominant gendered discourse around nuclear weapons undermines the contributions of those promoting a perspective of disarmament and peace, whether those individuals are women, men, or non-binary/non-conforming. It also separates men from women in terms of strong protectors on one hand and passive victims on the other. This further enables exclusion of women and non-binary/non-conforming people from authoritative social and political roles, which weakens the effectiveness of those processes. From all male panels of experts to participation in peace talks or treaty

negotiations, the voices of women and non-binary/non-conforming people must be heard.

Despite widespread international agreement on the importance of women's participation in decision-making and peace processes, there continues to be noticeable disparity in the level and volume of participation of women and non-binary/non-conforming people as compared to men in disarmament and arms control discussions, negotiations, and processes. Reaching Critical Will, when posting statements delivered in conferences on its website, tries to note the gender identity of the person delivering the statement. This consistently reveals a striking pattern of a lack of gender diversity in speaker selection and related seniority.

During this NPT review cycle, a growing number of states parties have called for improving women's participation in nuclear disarmament and in their statements to the plenary. Some also spoke about the gendered impacts of nuclear weapons use and testing.⁶⁹ A side event organised by the governments of Ireland and Sweden in 2017 presented new research showing that women's participation in NPT meetings is lower than in other multilateral forums.⁷⁰ Each also hosted side events related to gender and nuclear weapons in 2019.

Ireland submitted a working paper on "Gender, development, and nuclear weapons" in 2017,⁷¹ on "Impact and empowerment: the role of gender in the NPT" in 2018,⁷² and on "Gender in the NPT: recommendations for the 2020 Review Conference" in 2019.⁷³ Australia, Canada, Ireland, Namibia, Sweden, and the United Nations Institute for Disarmament Research tabled working papers in 2019 on "Improving gender equality and diversity in the NPT review process"⁷⁴ and on "Integrating gender perspectives in the implementation of the NPT".⁷⁵

As a reflection of the statements made on this subject, the 2017 Preparatory Committee Chair included in his factual summary a recommendation for strengthening the review process (paragraph 135), and a more in-depth reference to diversity in paragraph 7.⁷⁶ This latter paragraph reflects that states parties "emphasised the importance of promoting the equal, full and effective participation of both women and men in the process of nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy." The summary noted that states parties "were encouraged, in accordance with their commitments under United Nations Security Council resolution 1325, actively to support participation of female delegates in their own NPT delegations and through support for sponsorship programs." Paragraph 7 also acknowledges the gendered impacts of radiation and calls for this to be factored into discussions within the review cycle.

The 2018 NPT Chair's draft factual summary noted that states parties "endorsed the fundamental importance of promoting the equal, full and effective participation and leadership of both women and men in nuclear non-proliferation, nuclear disarmament and the peaceful use of nuclear energy," and that they "welcomed the increased participation of women during the session and highlighted the importance of fulfilling commitments under Security Council resolution 1325 (2000), to support actively the participation of female delegates in their own delegations, including through sponsorship programmes."⁷⁷

The 2019 Chair's summary, which contained the recommendations supported by the majority of states parties, endorsed "the fundamental importance of promoting the equal, full and effective participation and

leadership of both women and men in nuclear disarmament, non-proliferation, and the peaceful use of nuclear energy.” It also encouraged states parties, “in accordance with United Nations Security Council Resolution 1325, to actively support gender diversity in their NPT delegations and through support for sponsorship programmes.” Finally, it recognises “the disproportionate impact of ionizing radiation on women and girls.”⁷⁸

Outside of the NPT, attention to the gender-disarmament nexus is also growing. In May 2018, UN Secretary-General António Guterres launched his new disarmament agenda, *Securing our Common Future*. It includes a section on “Ensuring the equal, full, and effective participation of women,” and there are several references throughout the document to the gendered impacts of weapons, gender-sensitive arms control, or women’s participation in disarmament, including urging states to incorporate gender perspectives in their national legislation and policies on disarmament and arms control.⁷⁹

The UN Institute for Disarmament Research joined the governments of Ireland, Namibia, and Canada to form the Disarmament Impact Group as an output of the International Gender Champions. The Group aims to “support the disarmament community in translating gender awareness into practical action across the range of multilateral disarmament processes and activities.”⁸⁰

In October 2018, at the UN General Assembly First Committee on Disarmament and International Security, the Canadian mission to the UN organised a push to increase gender references in resolutions. Working with other governments and civil society groups, they managed to achieve language in 17 resolutions that advocates for women’s equal participation, recognises gendered impacts of weapons, or urges consideration of gender perspectives more broadly. This accounted for 25 per cent of all First Committee resolutions in 2018. In 2019, 28 per cent of the adopted resolutions included gender references; in 2020 it was back to 25 per cent; and in 2021 it was 31 per cent.

Photo: International Queers Against Nukes at the NYC Queer Liberation March, June 2019 © Ari Beser



Also in 2018, Namibia on behalf of 56 states dedicated a whole statement to the topic of gender and disarmament, urging examination of how “underlying assumptions about how gender shapes [delegations’] own work and the dynamics of joint disarmament efforts.”⁸¹ In addition, 79 states signed onto the joint gender statement in 2019. Unfortunately, the 2019 version dropped the language about underlying assumptions.⁸² Due to the challenges of organising joint statements during the COVID-19 pandemic, the statement was not delivered in 2020 or 2021.

Gender issues have also been increasingly incorporated into the work of the Treaty on the Prohibition of Nuclear Weapons, the Mine Ban Treaty, the Convention on Cluster Munitions, Arms Trade Treaty, the Biological and Toxin Weapons Convention, and the UN Programme of Action on small arms and light weapons. The NPT is lagging behind, but efforts of feminist scholars and activists internationally continue to bring awareness to the issue.

What’s needed next⁸³

All of this work signals a growing acceptance among a diverse range of governments, international organisations, civil society groups, and academics that nuclear weapons have gendered impacts, and that women’s participation in nuclear disarmament is important. This is good progress, and imperative to making change in this field. But much more is needed.

The demand for women’s equal, effective, or meaningful participation—while necessary and welcome—is insufficient for truly making change in weapons policy. Broader calls for gender, racial, and other forms of diversity are necessary. Diversity is not about political correctness. It is the only way we are ever going to see change in the way that we

confront issues of peace and security. Where we have achieved the most disarmament progress in recent years—banning landmines, cluster bombs, and nuclear weapons, for example—we have engaged with diverse communities and put humanitarian perspectives over the profits of arms industries or the interests of powerful governments.

Diversity is not just about including women, especially women who come from the same or similar backgrounds as the men who already rule the table. It’s about completely resetting the table; or even throwing out the table and setting up an entirely new way of working. Disarmament, as a policy and practice that leads us away from militarism and towards peace, requires new understandings, perspectives, and approaches to weapons and war. It requires the effective and meaningful participation of survivors of nuclear weapon production, testing, and use. It requires the effective and meaningful participation of marginalised communities—including LGBTQ+ folks, people of colour/racialised people, those at a socioeconomic disadvantage, people with disabilities.

We also need to move beyond issues of participation to ideas about norms and approaches. Genuine diversity impacts what is considered normal, acceptable, and credible. Confronting norms, especially gendered norms, around nuclear weapons is imperative to making progress on disarmament. The association of nuclear weapons with power is one of the foremost obstacles to disarmament. This association comes from a particular understanding of masculinity, in which concepts like strength, courage, and protection are equated with violence. It is an understanding of masculinity in which the capacity and willingness to use weapons, engage in combat, and kill other human beings is seen as *essential* to being “a real man”.

This dynamic becomes clear when listening to some of the nuclear-armed and nuclear-supportive states dismiss the humanitarian initiative or calls for nuclear abolition. They often describe those who promote the TPNW or who support strong language on the humanitarian impacts of nuclear weapons as being “emotional,” “unrealistic,” and “naïve,” all concepts associated, in a gendered way, with “being a woman” or “feminine,” and thus weak.⁸⁴ As well as undermining disarmament, this discourse also undermines non-proliferation, by holding nuclear weapons up as a pinnacle of masculine strength, as noted above.

Moving beyond the gendered dichotomy of normalised behaviour is important to make progress on nuclear disarmament. NPT states parties can continue to advance the progress we have seen so far in recognising inequity in participation by emphasising the importance of including gender analysis and perspectives in the NPT’s work. This would help challenge the established pattern of power relations, thereby moving the nuclear disarmament and non-proliferation agenda forward.

Recommendations

- States and organisations must ensure gender diversity on their delegations to the NPT Review Conference at all levels, as well as in panels at side events or other meetings. They should also work to ensure that survivors and those impacted by nuclear weapon production, testing, and use are included in discussions.
- Language in statements and outcome documents should reflect the need for gender diversity, not just the equal representation of the men-women binary.
- States parties should incorporate gender analysis and awareness in their work on the NPT and nuclear disarmament in national policies, practice, and communication on the subject.
- Any outcome from this Review Conference should reinforce previous agreements on the gendered impacts of nuclear weapons and the importance of gender diversity in nuclear discussions and negotiations. Outcomes should build upon this language to also acknowledge and encourage states parties to explore the gendered nature of nuclear weapon discourse and theory and to begin unpacking and un-privileging particular dominant perspectives as gendered.

Endnotes

- 1 See https://cities.icanw.org/list_of_cities.
- 2 See dontbankonthembomb.org.
- 3 See <https://pledge.icanw.org>.
- 4 See https://www.icanw.org/56_former_leaders.
- 5 By the 2015 NPT Review Conference, only 28 out of the 64 actions could be considered fully implemented. 21 actions were being implemented to some degree, and 15 were not implemented at all. See Reaching Critical Will's *NPT Action Plan Monitoring Reports* for details: <http://www.reachingcriticalwill.org/resources/publications-and-research/publications/5456-npt-action-plan-monitoring-reports>.
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