NAC statement on CRP.1/Rev.1 – Tuesday 12 May 2015

Thank you Mr Chair.

The NAC would like to commend you for your ongoing efforts to maintain a level of ambition in your revised text, as circulated earlier today. While we would certainly wish to see this text strengthened – this is something that is necessary in order that it properly reflect the views expressed by the majority of States here in the meetings of this body - the NAC believes that your text represents an appropriate basis for our engagement and for our continued efforts to achieve a credible forward-looking outcome on nuclear disarmament at this Review Conference.

We would certainly expect that when the two texts (those from MC1 and SB1) are merged as a result of the joint enterprise that will begin tomorrow, it is the language from CRP1/rev1 that must be carried across into the composite text. With that in mind, and whilst noting that there are several paragraphs in your text, Mr Chair, with very good language in them, the NAC will now comment on those paras - and there are indeed several of them – in which the level of ambition in CRP/1/ rev 1 remains unacceptably low.

With regard to pp2, Mr Chair, while we are pleased to see the references to the catastrophic humanitarian consequences retained, the NAC is distressed with your new formulation which focuses on the nearly seventy-year record of non-use of nuclear weapons as if this aspiration were, in itself, to be an acceptable basis for response to these consequences. This language might seem to imply that the status quo is acceptable and that there is no urgency to the action necessary to implement the legal obligations upon us all under Article VI. It might seem to suggest that we should contemplate a world with nuclear weapons indefinitely. The NAC echoes the positions of many delegations here that the Treaty’s extension in 1995 did not legitimise the indefinite possession of nuclear weapons. The NAC strongly calls for the original language proposed in pp 2 of your earlier draft to be reinserted.

With regard to pp4, Mr Chair, we welcome the new language urging the nuclear weapon States to comply fully with their nuclear disarmament
obligations under the Treaty and commitments and undertakings made by consensus at previous Review Conferences. We would want to emphasise, however, that in urging nuclear weapon States to comply with their legal obligations under the Treaty we are not suggesting they have an element of choice on this – such a suggestion, Mr Chair, would seem to undermine the very Treaty we are here to review and strengthen.

We are pleased to see that the awareness of the catastrophic humanitarian consequences of any use of nuclear weapons, and that this should compel urgent action for the full implementation of Article VI, retains a prominent place in your revised draft. The missing element, however, remains any operationalisation of this recognition – there is no response, or direction set, in terms of what actions the NPT community should take to give effect to this “urgent action”.

In OP3, Mr Chair, we regret that the revised text no longer provides for the inclusion of non-strategic nuclear weapons in the next phase of negotiations between the US and Russia on reductions of their nuclear weapons. This seems inconsistent with the call in Action 5 of the 2010 Action Plan that all nuclear weapons should be addressed – and regardless of their type or location - as an integral part of nuclear disarmament. We are disappointed that the call for progress by the US and Russia is now less urgent, less specific. This is at direct odds with the overwhelming view at this Conference that urgent action is needed now to meet obligations under Article VI.

More positively, however, we are pleased to see that the text now contains a broader and direct call on all nuclear-weapon States to engage over the course of the next review cycle in order to achieve rapid reductions in the global stockpile of nuclear weapons. Here, Mr Chair, the NAC would underscore the reference to “rapid”.

Mr Chair, we are also pleased to see that OP5 has been broadened out so that the review called for does not simply relate to the first use of nuclear weapon. However at the same time we regret that the language now used is much less time-bound and specific. We also note that it appears to be less ambitious than what was agreed upon in Action 5 of the 2010 Action Plan, which called upon the nuclear weapon States to promptly
engage to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.

In OP6 the NAC welcomes the important focus on the risks associated with nuclear weapons but we feel that the characterisation here is not entirely appropriate and we would certainly welcome the inclusion of a call in OP6 for greater transparency from the NWS on risk-related issues.

Mr Chair, while the NAC recognises the importance of confidence building between the nuclear weapon States, we remain troubled by the implication in OP8 that nuclear disarmament can only really take place, including on an accelerated basis, after the nuclear weapon States have had prior discussions amongst themselves on definitions and terminology. If this was so very necessary all along for nuclear disarmament, Mr Chair, it seems strange to have initiated the discussion only after 2010 (and therefore after 40 years of the NPT and its Article VI).

Mr Chair, the NAC regrets that the language in OP11 does not appear to be an appropriate response to the urgency with which effective measures for nuclear disarmament must be pursued. We welcome its amendment to make clear that bilateral or unilateral measures are not effective measures for the full implementation of Article VI and continue to believe that the pursuit of practical building blocks will, as at present, not move us at all beyond the status quo. After all, the status quo already includes the 13 practical steps agreed upon in 2000.

We continue to regret that the establishment of a legal framework - one which the NAC and many others have argued is the only effective way to achieve a world without nuclear weapons – is framed in terms of a longer-term measure, and not one that we need to move forward on now.

With respect to OP17, Mr Chair, we welcome the retention in your text of the imperative to have a legal framework. We regret, however, that as in your original draft, the level of ambition is low. As we said yesterday, the NAC is of the view that this issue is of too great an importance to simply encourage engagement on what is a legal obligation under Article VI of the NPT. In addition, Mr Chair, it seems to us that the new language
that has been inserted into the paragraph – text which refers to a phased process of interlocking and mutually-reinforcing steps – may imply that a step by step approach is synonymous with the other legal approaches outlined in the paragraph or is acceptable to establish the legal framing for “effective measures”. If this is indeed the intention, the NAC would, at the very least, recommend amending the new language to note that the phased approach of interlocking and mutually-reinforcing steps would need to be pursued under an overarching legal framework – otherwise, Mr Chair, we risk confusing political steps with legally effective measures.