



The Nuclear Ban Treaty, Non-Proliferation Treaty and the 2018 UN High Level Conference on Nuclear Disarmament:

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Summary

In 2013, the UN General Assembly decided under Resolution 68/32 to seek the views of Member States with regard to achieving the objective of the total elimination of nuclear weapons; establish September 26 as the International Day for the Total Elimination of Nuclear Weapons; and convene a UN High Level Conference on Nuclear Disarmament no later than 2018 in order to evaluate progress and advance further the elimination of nuclear weapons, including through negotiations for a nuclear weapons convention.

The resolution cites, *'the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.'*

This provides a direct link between the NPT and the 2018 UN High Level Conference.

At the same time, the United Nations has commenced negotiations on a treaty to prohibit nuclear weapons, which are expected to result in a treaty to be adopted on July 7. However, only non-nuclear States are participating in these negotiations and are expected to join the treaty.

The UN High Level Conference provides a forum that could elevate the NPT and ban treaty processes, as well as other initiatives.

The UN High Level Conference provides flexibility to advance a comprehensive prohibition of nuclear weapons simultaneously with incremental measures on nuclear risk-reduction and disarmament. In this way it can provide a bridge between the differing priorities and approaches of non-nuclear and nuclear-reliant States.

Introduction: The value of UN High Level Conferences

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

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

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

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

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

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

Agenda and outcomes for the UN High Level Conference

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

Civil society has already started this process through a series of consultations on the UN High Level Conference in UN centres and key capitals.¹

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

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

It would be useful to employ the *Gift Basket approach*, established by the Nuclear Security Summits, in order to ensure that progress can be made, and agreements reached, on specific nuclear risk-reduction and disarmament measures without necessarily requiring participation or consensus on each measure by all UN member states.

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

Such an agenda could therefore include, inter alia:

- States negotiating the legally binding agreement to prohibit nuclear weapons, pursuant to UN General Assembly Resolution 71/258, could announce at the UN High Level Conference their accession to the nuclear prohibition treaty if it is concluded by then, or adopt a joint statement including the commitment to conclude the negotiations in the near future if they have not already been concluded;
- Some or all of the nuclear-armed States could adopt measures or joint statements on nuclear-risk reduction and transparency. This could include lowering the operational readiness to use nuclear weapons;

¹ To date this includes public consultation events in Berlin, Geneva, London, New York, Vienna and Washington.

- Some or all of the nuclear-armed States could adopt a joint statement affirming a commitment to not produce new nuclear weapons systems;
- Some or all of the nuclear-armed and other nuclear-reliant States could adopt measures or statements affirming a reduction of the role of nuclear weapons in their security doctrines. This could include recognition of the historical practice of the non-use of nuclear weapons, an affirmation that the sole purpose of nuclear weapons is to deter other nuclear weapons, or a declaration affirming no-first-use as a policy;
- The nuclear-armed and other nuclear-reliant States could adopt a framework agreement or a political declaration, on a phased program to reduce nuclear stockpiles and prohibit the use of nuclear weapons, and setting achievable benchmarks for the complete elimination of nuclear weapons;
- Regional measures could be announced by States concerned, such as the resumption of Six-Party Talks to address the nuclear threats in North East Asia.

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

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

Conclusion

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

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

All UN member States can participate in the UN High Level Conference, including those that are not Parties to the NPT, are not members of the Conference on Disarmament, and/or are not participating in the UN negotiations on a nuclear prohibition treaty.

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

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

As such, there is value in undertaking work now, especially in the 2017 NPT Preparatory Committee, to prepare and pave the way for a successful 2018 UN High Level Conference on Nuclear Disarmament.