First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons

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Comprehensive Policy Paper on Supporting the Treaty on the Prohibition of Nuclear Weapons (TPNW)

Working paper submitted by Maat for Peace, Development and Human Rights

I. Preamble

1. The threat of nuclear weapons continues to grow, fueled by international and regional tensions, the modernization of nuclear arsenals, including the development of smaller nuclear weapons that are more usable, and technological advances that make these weapons and their command and control systems vulnerable to cyberattack. There is an urgent need for a concerted effort to reduce the risk of the use of nuclear weapons, especially since the use of these weapons constitutes a violation of international humanitarian law because they are dangerous indiscriminate weapons and they are currently illegal to manufacture, stockpile or target a city with. According to the advisory opinion of the International Court of Justice on the legality of manufacturing nuclear weapons, it is illegal to threaten the use of nuclear weapons and their use, because any use would have catastrophic humanitarian consequences and would be inconsistent with international humanitarian law. Thus, further proliferation would destabilize international relations and negatively affect international peace and security, especially that the expansion of the spread of nuclear weapons will increase international instability and undermine peace, especially with the increase of terrorist organizations and their financing from countries capable of providing them with the most advanced and destructive weapons.

2. Based on this, this joint paper presented by Maat for Peace, Development and Human Rights and the Global Coalition for Limitation of Armaments (GCLA) discusses the importance of nuclear disarmament through the efforts of the UN and its member states, as well as the major obstacles facing it. This paper also addresses some of the risks that nuclear weapons pose to the environment, and also attempts to put forward policies that could be a step in the field of nuclear disarmament.

II. UN Nuclear Disarmament Efforts

3. Owing to modern technologies and widespread use of all kinds of weapons, the current ongoing arms race, and the possession of nuclear weapons by some countries, states began to seek solutions by concluding agreements and treaties and holding conferences to organize the problem of armaments and reduce the possibilities of war and disarmament.3

4. Therefore, The United Nations has endeavored to eliminate and prohibit nuclear weapons since their inception and thus has played a prominent role in the processes of nuclear non-proliferation control in general and nuclear weapons in particular. The UN Charter emphasized the importance of disarmament and arms control and established a number of institutions and organizations specializing in disarmament and arms control.

5. The UN participated in the conclusion of a number of international conventions that aim to work on the control, prevention, disarmament and exchange of information. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is one of the most important adopted by the UN on 12 June 1968 and entered into force in March 1970. That Convention aims to prevent non-nuclear States' access to nuclear technology and its proliferation.4

6. The Treaty on the Prohibition of Nuclear Weapons (TPNW) signed in 2017, was adopted by 122 countries in the United States. On January 22, 2021 the TPNW entered into force. So far, 86 countries have signed it, and 61 others have ratified it. At the Arab level, the treaty was ratified by one Arab country, which is the Comoros, and three signatory countries, namely Algeria, Libya, and Sudan.5

7. The Treaty on the Prohibition of Nuclear Weapons contains a comprehensive ban and provides a framework to step up the process of elimination. It also includes provisions to assist those affected by the use or testing of nuclear weapons and the restoration of the affected environment. This treaty has also been prepared with a view to addressing the concerns of the catastrophic consequences of any use of nuclear weapons and the growing risk of intentional or miscalculation of a nuclear explosion. Ensuring the fulfilment of the Treaty's promised commitments requires that as many States as possible accede to it and ensure its widest possible implementation.

8. Hence, States should consider a series of positive measures to ensure implementation of the Treaty. These measures may include:

(a) Develop and implement plans for the destruction of stockpiles of nuclear weapons material, in accordance with Article 4 if the State Party owns, possesses or controls nuclear weapons;

(b) Develop and implement plans for assistance to persons affected by the use and testing of nuclear weapons, including medical care, rehabilitation, psychological support and social and economic integration in accordance with Article 6;
(c) Develop and implement plans to advance the process of rehabilitation of the natural environment contaminated by the use or testing of nuclear weapons in accordance with Article 6; and

(d) Develop and implement cooperation and assistance programs to support other States Parties in accordance with Article 7 in the areas specified in paragraphs 1 and 2.6

9. Although the treaty is not expected to eliminate the world's current nuclear arsenal at once, the new treaty must be seen as a moral and legal starting point for a long-term effort to dismantle this arsenal. There is no other way than to work to expand the scope of compliance with the prohibitions stipulated in the treaty as much as possible.7

Obstacles of the Global Treaty

10. The Treaty on the Prohibition of Nuclear Weapons is the first multilateral agreement to be applied globally and aims to comprehensively ban nuclear weapons based on international humanitarian law, in recognition of the dire humanitarian consequences resulting from these weapons. It is also the first treaty to include provisions to help address the humanitarian consequences of the use and testing of nuclear weapons.8

11. However, there are several obstacles impeding the universality of the treaty, as the prohibition stipulated in the treaty has highlighted the tension between nuclear disarmament and nuclear deterrence, as civil society and many non-nuclear-weapon states have welcomed the entry into force of the treaty, the nuclear-weapon states (China, France, Russia, the United Kingdom and the United States) and their allies see this as undermining the nuclear order based on the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT - Treaty on the Non-Proliferation of Nuclear Weapons).9

12. Also, many countries opposed this treaty for reasons related to national security, such as Egypt's opposition and its refusal to join the treaty because of Israel's failure to disclose its nuclear activities. Also the continuation of the Arab-Israeli conflict or even Israel's struggles and attempts to expand them outside the Arab region, complicated the issue of the response of countries in the region to international efforts to control armaments, particularly in light of Israel's qualitative superiority in the military field. All of this created a vision for the countries of the region in which Israel is the only and most important obstacle to evacuating the region from nuclear weapons.10

13. Also, despite the treaty having been boycotted by nuclear states, it not only has a symbolic character, but also sets a trend for the majority of states viewing the argument for deterrence paradoxically and trying not to separate nuclear weapons from conventional weapons, as both have a devastating effect on the civilian population. The nuclear escalation between Pakistan, India or North Korea and its enemies has dire consequences, but this also applies to the many wars fought with conventional weapons, as in Syria, Yemen, Afghanistan, Ukraine, and Libya.11

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8. انتصار للبشرية. معاهدة حظر الأسلحة النووية تدخل حيز التنفيذ، مجلة الإنساني، 22 يناير 2021، الرابط، https://blogs.icrc.org/alinsani/2021/01/22/4167/


**The Reality of Nuclear Disarmament**

14. The existence of nuclear weapons poses the greatest threat to humanity, as the stockpiles held by the United States, Russia, China, India, Pakistan, France, the United Kingdom and Israel have the potential to destroy the Earth. The risk of the use of nuclear weapons continues to increase, fueled by international and regional tensions and the modernization of nuclear arsenals, including the development of smaller nuclear weapons that are said to be more usable, and the technological advances that make these weapons and their command and control systems vulnerable to cyber-attack. There is an urgent need for a concerted effort to reduce the risk of using the nuclear weapons. 12

15. It is worth noting that there are still 13,080,000 nuclear weapons in the world at the beginning of 2021, down from the 13,400 nuclear weapons estimated at the beginning of 2020. Despite this overall decrease, the estimated number of nuclear weapons currently deployed with the operational forces has increased to 3,825 from 3,720 last year. About 2,000 of those - almost all of them belong to Russia or the United States - have been kept at high operational alert. 13 This is a large number that undermines and does not reflect the efforts made to limit the manufacture and spread of these weapons. Even worse, the countries that own the weapons have plans to modernize their nuclear arsenals with large funding, rather than aiming to get rid of them.

16. While the United States and Russia continued to reduce their overall stockpiles of nuclear weapons by dismantling retired warheads in 2020. It is estimated that both had about 50 additional nuclear warheads under operational deployment at the beginning of 2021 compared to the previous year. Russia has also increased its total military nuclear stockpile by about 180 warheads, mainly due to the deployment of more multi-headed Intercontinental Ballistic Missiles (ICBMs) and sea-launched ballistic missiles. Both countries' deployed strategic nuclear forces remained within the limits established by the 2010 Treaty, on measures for further reduction and limitation of strategic offensive arms (New START), although the treaty does not limit the total nuclear warhead stockpiles. 14

17. The reason for this is that the nuclear deterrence belief is still an essential part of the security, military and strategic policies of the competing or warring countries. It must therefore be emphasized that the commitment to non-proliferation requires the development of a nuclear weapons convention, the provision of more information from the nuclear-weapon States on the active and reserve status of nuclear arsenals, and greater transparency and accountability regarding nuclear weapons capabilities, such as annual briefings and the compilation of a comparative table by the secretariat recording the measures taken by the Nuclear-weapon States in compliance with their obligations under Article VI of the Convention. 15

18. Therefore, the continued existence of nuclear weapons carries incalculable risks and undermines efforts to prevent more state and non-state actors from acquiring a nuclear bomb. As nuclear deterrence strategies continue to be applied, the risks of nuclear war remain imminent. It also remains more than a thousand tons of materials

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usable in nuclear weapons and with the expected increase in nuclear energy, the signs of developing nuclear weapons are increasing. Therefore, the possibility of nuclear weapons or sensitive nuclear materials falling into the hands of terrorists cannot be ruled out. Without the systematic and controlled elimination of the nuclear threat, the intentional or accidental use of nuclear weapons is only a matter of time. Therefore, to move away from the nuclear abyss, the world needs to destroy and prohibit the production of all nuclear weapons.16

**Nuclear Weapons and their Environmental Risks**

19. In order to survive and achieve sustainable human well-being, humanity must meet the challenge of avoiding nuclear war and the challenge of powering the world without causing catastrophic climate change. While the large-scale growth of nuclear energy can be an important tool for meeting the climate challenge, growth on this scale, if not well managed, can pose challenges to nuclear non-proliferation and disarmament. Hence, a few steps are needed to address immediate risks and lay the long-term foundations for future successes.17

20. In the future, nuclear dangers may overlap. Climate change conflicts can contribute to global insecurity, leading States to rely on military power, including nuclear weapons. Climate change significantly affects the delicate balance between social and environmental systems that undermines human security and societal stability with potential consequences for international security rather than being a direct cause of war. Increased reliance on nuclear energy to reduce carbon emissions will contribute to nuclear proliferation risks. Therefore, preventing the risks of climate change and nuclear war requires an integrated set of strategies that address the causes and effects on the natural and social environment, such as institutions to enhance common, ecological and human security, and building and strengthening conflict resolution mechanisms and low-carbon energy alternatives.18

21. **The international community must therefore take a number of steps to lay the foundation for the long-term contribution of nuclear energy to mitigating climate change.**

(a) There is a need for in-depth assessments of the potential role of nuclear and other low-carbon uninterruptible energy sources as backups of intermittent sources in future carbon-neutral energy systems in depth considering cost, reliability and other factors;

(b) Governments should encourage research and development support and adequate clarity and focus on research and development on those systems that have the greatest possible economic, safety, security and non-proliferation benefits; and

(c) Governments and companies must design all future nuclear facilities to build high standards of safety, security, anti-proliferation and provisions for effective international safeguards from the start.19

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Actions to be taken by the International Community for Nuclear Disarmament and Elimination

22. The nuclear-weapon states with the largest nuclear arsenals bear the major responsibility for nuclear disarmament; they should continue to significantly reduce their nuclear arsenals on the basis of the principle of irreversibility. Therefore:

- All nuclear-weapon states should abandon their policy of nuclear deterrence based on the first use of nuclear weapons and undertake unconditionally not to be the first to use nuclear weapons and to conclude an international legal instrument for that purpose.
- They should unconditionally commit not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones.
- Support efforts to establish nuclear-weapon-free zones, respect the status of those zones, and carry out related commitments.
- The Nuclear Non-Proliferation Treaty should be fully and in good faith adhered to. Countries that have not yet acceded to the Arms Ban Treaty should do so without delay and without conditions, so that the treaty becomes truly global.
- Working to enhance nuclear safety and nuclear security worldwide, and to reduce the risk of accidental or deliberate disasters as far as reasonably achievable.
- Concerned states should take steps to reduce the risk of conflict and unintended escalation between nuclear-armed states, including in particular the United States, Russia, the United States, North Korea, the United States, China, India, and Pakistan.

23. Hence, Maat for Peace, Development and Human Rights and the Global Coalition for Limitation of Armaments affirm that a violent, insecure world shall never be sustainable and just, and vice versa. Strategies to prevent the causes of violent conflict must include a range of measures, including the conservation and efficient use of natural resources, the implementation of the principles of equity and justice, enhanced cooperation, and changing lifestyles. Therefore, peace concepts that depend on avoiding serious conflict, preventive control of armaments, reduction of violence, elimination of nuclear weapons, compliance with human rights, and cooperation will improve the cooperative implementation of sustainable development. Deep-rooted connections need to develop in a mutually motivational manner for an integrated concept of sustainable peace. By doing so, nuclear weapons will not play a role in a peaceful and sustainable world, but on the contrary: they prevent that because it is based on principles that fundamentally violate the conditions for peace and sustainable development.

24. This paper asserts that international law provides an effective framework to prevent the dangers of nuclear war and climate change through a double-zero approach to nuclear disarmament and carbon emission reduction. Hence, establishing a basis for peace that prevents climate change and nuclear war, it is important to develop and consolidate concepts of cooperative security and sustainable peace. Then

the world must abolish and ban these weapons that badly symbolize the last century of violence.

25. In the end, Maat for Peace, Development, Human Rights, and the Global Coalition for the Limitation of Armament affirm that nuclear disarmament does not solve the nuclear proliferation problems we face today. Nevertheless, nuclear disarmament initiatives can promote the long-term restoration of confidence in the treaty, which will combat proliferation. The having and having-nots bargain require the nuclear-weapon states to do more efforts to ensure nuclear disarmament. On the other hand, the non-proliferation initiatives launched by the non-nuclear-weapon States would make a significant contribution to nuclear disarmament as they would create the conditions for further nuclear disarmament. Maat recommends that:

(a) The countries concerned must strictly abide by the existing arms control treaties, which are based on global strategic balance and stability; and

(b) The necessity of immediately stopping the development, deployment, and proliferation of advanced missile defense systems and outer space weapons, which would endanger the process of nuclear disarmament and even launch a new round of nuclear arms race; and

(c) Any nuclear disarmament measures must follow the principle of undiminished security for all states; and

(d) The countries concerned must strictly abide by the existing arms control treaties, which are based on global strategic balance and stability; and

(e) The necessity of immediately stopping the development, deployment, and proliferation of advanced missile defense systems and outer space weapons, which would endanger the process of nuclear disarmament and even launch a new round of nuclear arms race; and

(d) Any nuclear disarmament measures must follow the principle of undiminished security for all states.