

NPT NEWS IN REVIEW

Civil society perspectives on the
First Preparatory Committee of the
Eleventh Review Cycle of the Treaty on the
Non-Proliferation of Nuclear Weapons (NPT)
31 July–11 August 2023

VOL.18 NO.6

11 August 2023



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Reaching Critical Will



WILPF
WOMEN'S INTERNATIONAL
LEAGUE FOR PEACE & FREEDOM

Editorial: The Power of Procedure

Ray Acheson | Reaching Critical Will of WILPF

In terms of NPT procedural turmoil, this Preparatory Committee (PrepCom) reached a new low. After two weeks of discussing issues that have a serious bearing on the continued existence of the world, states parties ended the meeting by fighting over which documents could be listed in the meeting's **procedural report**. Iran, Russia, and Syria objected to the inclusion of the **Chair's summary** of the meeting, as well as his **recommendations** for the second session of the PrepCom, in the list of official documents.

In the end, to enable the adoption of the PrepCom's procedural report and have a record of the meeting, the Chair withdrew his summary. He had already concluded that there was no consensus to adopt it as an outcome of the PrepCom, but intended—as the Chairs of the PrepComs in last review cycle did in 2017, 2018, and 2019—to submit his summary as a working paper under his own authority. But Iran, backed by Russia and Syria, objected to the summary being listed even as a working paper. The Iranian delegation's main concern was that the summary singled out Iran in a negative way and presented a one-sided view of the situation with the Joint Comprehensive Plan of Action (JCPOA). Iran also objected to what it perceived as Western bias throughout the whole summary—it felt the Chair had given preferential treatment to the views of the Western Group delegations at the expense of the views of most other delegations participating in the meeting.

Russia's objections focused more on Chair's recommendations to the next PrepCom. The Russian delegate asserted that the recommendations paper was new, dangerous, and risked derailing the whole review cycle. Beyond the irony that this warning came from the state that derailed the last review cycle, Russia's concerns also ignored past precedent. It argued that the Chairs in the previous cycle had issued reflections, not recommendations. But as the Canadian delegation pointed out, while this Chair's approach was perhaps a little more straightforward than those of the past in framing his reflections as recommendations, this is not a truly novel development. Furthermore, as many delegations pointed out, it is normal in multilateral processes for Chairs to submit documents and reflections in their own capacity, and it is troubling that a few delegations would call this entire practice into question.

Of course, some of those defending “good multilateral practice” were also being disingenuous in standing up for the Chair's papers at this PrepCom. The United States, for example, has blocked the outcomes of two NPT Review Conferences—once on behalf of a state not party. All five of the nuclear-armed states, and some of their nuclear-supportive allies, have consistently watered-down outcome documents, failed to implement their obligations and commitments related to nuclear disarmament, and undermined previous Chair's efforts to present factual and balanced reflections of discussions when such reflections have not suited their interests.

Nevertheless, the fight over including working papers in a list of documents in a procedural report is extreme even for NPT standards. One might think that two consecutive failed Review Conferences would inspire some flexibility and compromise among states parties to preserve the Treaty they claim to care so much about, but this continues to prove to not be the case.

Of course, procedural fights are never really about procedure. Underneath comments about precedent and process are some very serious politics. This was clear in the discussions about the content of the Chair's summary on Thursday afternoon and Friday morning.

Debate over the Chair's summary

As the Chair said, the discussion on his draft summary was an opportunity to see where things stand with the NPT. Things do not stand well. With states parties diametrically opposed on the key issue of whether nuclear weapons are good or bad, reaching agreement on even a summary of discussions becomes intractable.

No clearer exemplification is needed than the remarks about nuclear deterrence on Thursday afternoon. Austria pointed out that a critique of deterrence doctrines was missing from the summary, even though most states parties clearly articulated that they see the threat of nuclear weapons stemming not just from specific threats to use nuclear weapons but also from the existence of these weapons. Ireland made similar remarks. Poland responded to these comments by asserting that nuclear deterrence is essential for the security of some states under the prevailing security circumstances and that *the security of states cannot be diminished in the pursuit of the goals of the NPT*. That is, in practical terms, implementing the NPT is not as important as Poland's sense of security afforded to it by the United States possessing and threatening to use nuclear weapons on Poland's behalf.

If this is "where things stand" with the NPT, it is not all that surprising that states parties can fight about which documents to include in a procedural report. If there is divergence about whether or not international law should be implemented by states that have ratified it, the foundations of this Treaty are paper thin. What spaces remains to de-escalate the current "geopolitical" situation leading us toward massive nuclear violence if NPT states parties do not believe the Treaty's implementation serves their "interests"?

The nuclear-armed states are usually slightly more careful in their formulations. They claim that their deterrence doctrines, their arsenal modernisation, and their policies and practices of nuclear sharing, etc., are all somehow in compliance with the NPT. This is the fundamental political fight at the heart of the NPT, as it has been now for decades. The discussion over the Chair's summary clearly delineated the fault lines known well to all who follow these discussions.

Even the very first paragraph of the Chair's summary is problematic in this regard. It said that NPT states parties reaffirmed the central role of the NPT "as the cornerstone of the nuclear non-proliferation regime and the foundation of the pursuit of nuclear disarmament." As Aotearoa New Zealand pointed out, backed by many other delegations, the NPT is the cornerstone for both non-proliferation and disarmament. To suggest otherwise is to imply a hierarchy of objectives, making disarmament aspirational rather than legally binding.

Unfortunately, this reflects the way nuclear-armed states and some of their allies perceive the NPT. When many delegations called for paragraph 10 to quote in full the nuclear-armed states' unequivocal undertaking to achieve the total elimination of their nuclear arsenals, France pushed back against that. France also said that calling for a subsidiary body at the 2026 Review Conference to consider the fulfillment of Article VI is "imbalanced" and demanded that subsidiary bodies on all three pillars should be established—even though the point of this call is because the implementation of Article VI is trailing far, far behind the implementation of all other provisions of the Treaty.

France pushed back on most other paragraphs concerning nuclear disarmament, including paragraph 15's reference to the International Court of Justice's advisory opinion, which it (incorrectly) asserted is a "reinterpretation" of the opinion. France and the United Kingdom (UK) also objected to the description of the January 2022 joint statement of nuclear-armed state leaders that nuclear war cannot be won and must never be fought. The last sentence of paragraph 24 in the Chair's summary says that "States parties called on the nuclear-weapon States to uphold the principle affirmed in the joint statement and

the norm against the use of nuclear weapons.” France and the UK argued that the joint statement was never meant to indicate there is a norm against the use of nuclear weapons.

Ironically, Austria had earlier pointed out that the draft summary did not say anything about upholding the taboo against the use of nuclear weapons. France and the UK asserting there is no norm against nuclear weapon use is a pretty strong indication that the taboo is in trouble.

Meanwhile, France and the United States (US) liked that paragraph 11 highlighted the view of some states that the NPT provides “the only credible path towards nuclear disarmament” and that “Support was expressed for a progressive, step-by-step approach to disarmament.” The US suggested adding language about the international security environment here as well, to further caveat their obligations to achieve nuclear disarmament. France claimed that nuclear disarmament is not “decreed from on high” and is contingent upon the international security environment.

Aotearoa New Zealand pointed out that the assertion that the NPT is the only credible path to achieve nuclear disarmament does not reflect the views of states parties of the Treaty on the Prohibition of Nuclear Weapons (TPNW). Furthermore, as many delegations noted, paragraph 18 in the Chair’s summary contained problematic language undermining the support voiced by the majority of NPT states parties for the TPNW. Paragraph 18 notes the TPNW’s entry into force and the convening of its First Meeting of States Parties; it also says that TPNW states parties and signatories emphasised that the TPNW is “an effective measure to implement article VI and was complementary to” the NPT, and that they called on other states “to consider joining that Treaty.” This is all correct. But paragraph 18 also says, “It was also expressed that approaches based on an immediate and complete ban on nuclear weapons were counterproductive.”

Austria remarked that this is a minority view expressed by one delegation during the PrepCom, to which the UK responded that while it might not have expressed its position as forcefully as others, it does not want its restraint to be misinterpreted. France went even further, arguing that paragraph 18 should retain the sentence that a ban on nuclear weapons is counterproductive and add language outlining that “others expressed the view that the TPNW is neither compatible nor complementarity of Article VI of the NPT.”

Power or peace

Many more such divergences are highlighted in the report in this edition on the discussion about the Chair’s summary. Underlining them all is the core issue of inequality that nuclear-armed states have manufactured over many decades of inaction on disarmament, retrenchment of nuclear weapon policies and arsenals, and the aggressive nuclear competition they insist on maintaining among them.

While many governments come to NPT meetings to engage in serious discussions in good faith, the minority have become allowed to dictate what is possible, even when it contravenes international laws to which they have freely subscribed. For many years, most states parties and civil society have been saying this untenable. It becomes particularly so when there is now an alternative path forward, through the TPNW. States parties to that agreement have a different experience of process and politics, in which dialogue and compromise allow governments, activists, survivors, international organisations, and others to find paths forward to achieve the collective goals of peace and security.

This is the antithesis of the NPT, wherein states are now fighting over document lists in procedural reports, or where nuclear-armed governments block any efforts to advance the Treaty’s implementation. Some states parties act as if the world is not at risk of nuclear war, or billions of dollars are not being spent to modernise and expand arsenals of mass destruction, or that multilateralism and international

law are not being torn apart. These are the unfortunate impacts of the NPT review process as it currently stands. But it does not have to be this way. States can make another choice—and many have. Many great ideas were shared during the Working Group and the PrepCom this year, and over the course of the Treaty's decades of dialogue and debate.

But once again, the question comes down to: What is needed to compel the most violent governments in the world to choose people and the planet over the perception of power? If the NPT cannot resolve this question, at least for its own sake, it will likely continue deeper into the quagmire its nuclear-armed states parties have created. In the meantime, those acting most in the Treaty's interest will continue to work together for nuclear disarmament, peace, and security through the TPNW.

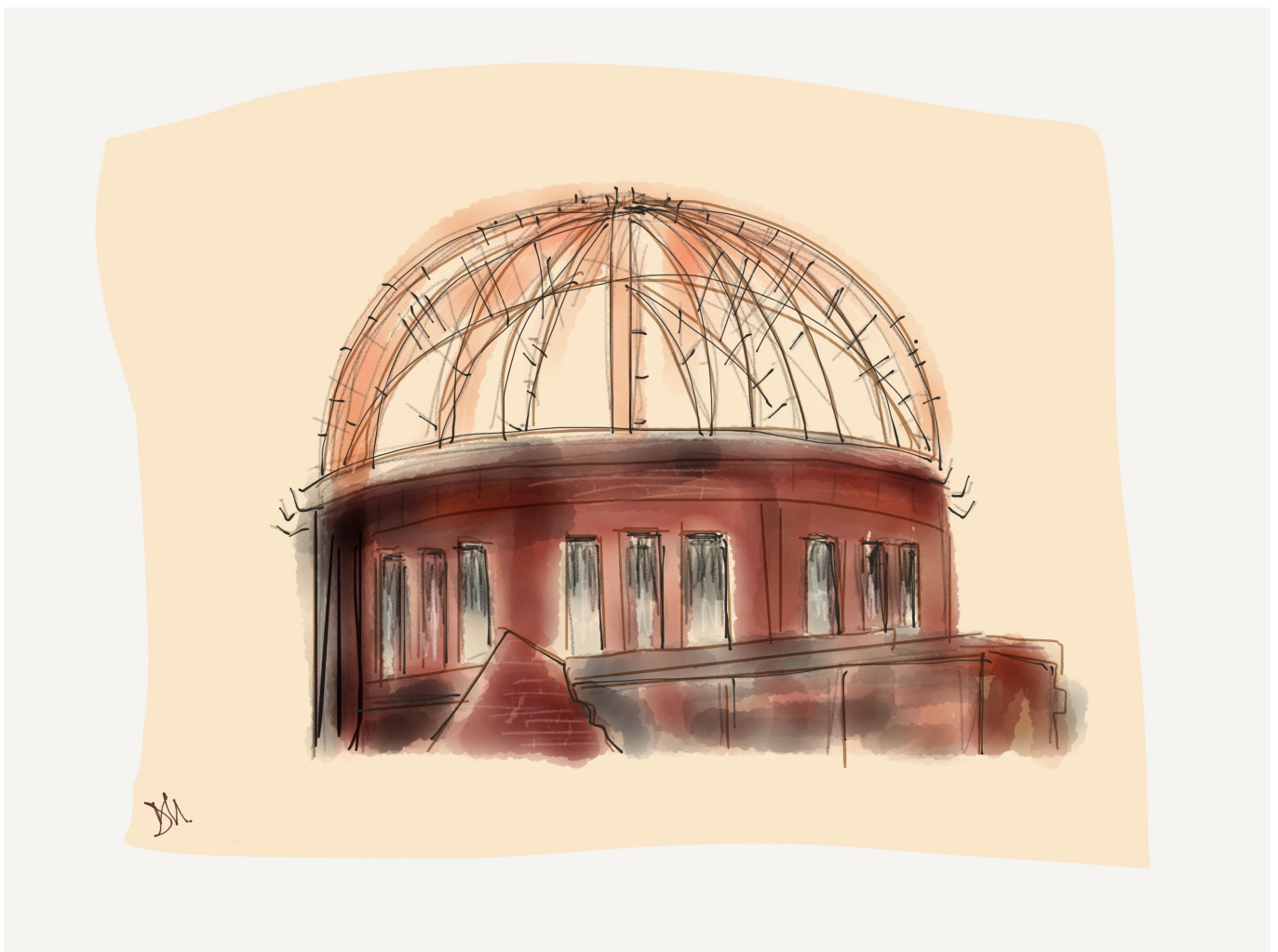


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Report on the Draft Factual Summary

Laura Varella | Reaching Critical Will of WILPF

On 10 August, the Chair circulated his **Draft Factual Summary**. The Chair opened the document for discussion to see if agreement could be reached to adopt it, but with the expectation that as in the previous review cycle, it would likely end up as a working paper submitted under this own authority if consensus could not be reached on its contents.

During the discussion on the draft on 10 and 11 August, many delegations expressed their concerns that the draft did not accurately reflect the discussions held in the room. Iran said that in paragraphs 46, 87, and 88, three NPT states parties are singled out negatively and on this basis it would not accept the inclusion of the Chair's summary in the official list of documents in the PrepCom procedural report, even as a working paper. After consultations, the Chair withdrew the document.

The following report provides an overview of interventions delivered on Thursday, 10 August, and on Friday, 11 August, when states discussed the draft factual summary. This report is not a comprehensive accounting of all positions on every issue.

Use of expression “states parties”

Brazil said that the use of the expression “states parties” throughout the text could give the misleading idea that there is agreement on a certain issue. Cuba echoed this and China and Iran made similar remarks. The United States (US) also said that the expression does not accurately reflect the divisions in the room. The United Kingdom (UK) said it was interpreting the “states parties” as an indefinite phrase that did not imply consensus.

NPT as the cornerstone

Brazil said that the formulation of paragraph 1, which states that the NPT is “the cornerstone of the nuclear non-proliferation regime and the foundation of the pursuit of nuclear disarmament,” is unacceptable, as it suggests a hierarchy between disarmament and non-proliferation. Aotearoa New Zealand, Chile, Costa Rica, Cuba, Guatemala, Mexico, Panama, the Philippines, and South Africa echoed this.

Universalisation

Ireland and Malaysia welcomed the reference to universalisation in paragraph 5.

Brazil opposed the language of this paragraph regarding the reference to the Additional Protocol, arguing that it seems to imply that this is a new standard under the NPT.

Gender and inclusion

Ireland welcomed the reference to gender in paragraph 7, as well as the inclusion of civil society in paragraph 8. Colombia and Peru also expressed support for these paragraphs. The Philippines said that gender analysis must underpin discussions and expressed support for paragraph 7. Guatemala said it would like to see “gender perspective” in singular, not plural, in line 4.

Lack of progress in the implementation of disarmament commitments

Aotearoa New Zealand suggested including text quoting in full the “unequivocal undertaking by the nuclear weapons states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all states parties are committed to under Article VI.” Brazil and South Africa made similar remarks.

The Non-Aligned Movement (NAM) said that the lack of compliance with nuclear disarmament commitments should have been better reflected in the summary. The Arab Group made similar remarks. Iran said that non-compliance with nuclear disarmament is a serious problem for the NPT, and although many states parties expressed serious concerns and called on nuclear-armed states to return to compliance, there is not a single reference to this. Iran also said that France’s non compliance with Article VI, which was mentioned several times, should be factually reflected, as well as the fact that breaches of nuclear disarmament obligations and commitments undermine the NPT and its credibility.

France also said calling for a subsidiary body at the 2026 RevCon to consider the fulfillment of Article VI is “imbalanced” and demanded that subsidiary bodies on all three pillars should be established.

Step-by-step approach

Aotearoa New Zealand said that paragraph 11 reflects the view that the NPT is the only credible pathway to nuclear disarmament, while many delegations expressed their views that the TPNW is an effective measure and contribution to a world without nuclear weapons and compatible and complementary to the NPT. It said that the omission of this is regrettable and does not reflect the constructive debate.

The US appreciated the last sentence of the paragraph about the step-by-step approach, but said it could be supplemented with language taking into account the international security environment. France supported the last two sentences of the paragraph. Japan said that the reference to the step-by-step approach was very thinly reflected compared to the reference in the summary report of the second PrepCom in the previous review cycle.

Conditionalities to disarmament

Egypt opposed the sentence in paragraph 13 that says: “Reference was made to the importance of strong non-proliferation guarantees as being essential to creating the conditions for further nuclear disarmament,” pointing out that many delegations expressed the opposite concern. Aotearoa New Zealand, Brazil, Malaysia, Mexico, and South Africa also opposed this sentence, making similar remarks. Austria said that framing of the paragraph is not in line with the fact that the majority of states rejected any new conditionalities in the implementation of disarmament commitments.

International Court of Justice (ICJ) Advisory Opinion

France opposed the language on paragraph 15, saying that it reinterprets the 1996 ICJ Advisory Opinion.

Humanitarian consequences of nuclear weapons

Austria said that the paragraph on the humanitarian consequences of nuclear weapons was not strong enough, because, for instance, it does not mention the environmental impact and the question of accidents. It also said that the text on victim assistance deviated a lot and missed several elements. It said that the draft outcome report of the 2022 RevCon had more progressive text. Aotearoa New Zealand and Chile echoed this.

Mexico said that text doesn't capture the convergence and ambition of the vast majority of states parties of all regions regarding the urgency of meeting nuclear disarmament obligations borne by the humanitarian impact of nuclear weapons. South Africa also said that the paragraph doesn't refer to the prevention of future use.

Kiribati and Kazakhstan welcomed the language on paragraphs 15-18. They expressed special support for the references to victim assistance and environmental remediation included on paragraph 16. The Philippines echoed these remarks.

France opposed the language in paragraphs 16 and 17, arguing it gives the impression there was consensus, which would not have been the case.

Treaty on the Prohibition of Nuclear Weapons (TPNW)

Malaysia welcomed the factual reference to the entry into force and the First Meeting of States Parties of the TPNW, and that many delegations view the Treaty as complementary to the NPT. Mexico made similar remarks, but added that the last sentence was imbalanced and should be made into a separate paragraph, given the implications for nuclear weapons free zones. Aotearoa New Zealand, Chile, Guatemala, and Peru supported this. Indonesia similarly regretted the last sentence of the paragraph, saying it runs against the goal of the Treaty itself. Costa Rica, South Africa, and Venezuela also opposed the last sentence. Ireland regretted the use of caveated language in this paragraph.

Austria also highlighted the imbalance expressed in the paragraph, considering the support to the TPNW received in the room. Cuba echoed this remark and proposed to replace "noted" with "welcomed," and to say "urge all states to join the treaty" instead of "called on others States to consider joining". Chile and Guatemala supported this.

The UK said it understood Mexico's point but that it would be necessary to find a way to express in that paragraph that many states parties do not share those positions. France argued against moving the last sentence and suggested also adding at the end of the paragraph that other states expressed the view that the TPNW is neither compatible or complementary to Article VI of the NPT.

Nuclear deterrence, nuclear doctrines, nuclear sharing, and nuclear threats

Malaysia welcomed the reference to the expansion of nuclear deterrence arrangements, saying that this topic deserves further discussion. On paragraph 19, it proposed the term "military concepts, doctrines and policies" as opposed to the current formulation "national and regional military doctrines," in line with action 5c of the 2010 Action Plan. Indonesia said that the draft could have mentioned that there has been a notable increase in the aspiration of countries to become members of nuclear alliances.

Egypt said that paragraph 20 should have reflected the concerns over the incompatibility of the stationing of nuclear weapons on the territory of non-nuclear armed states not just with Articles I and II of the NPT, but also with the spirit and purpose of the Treaty. Brazil and South Africa echoed this. The NAM said that interventions that urged the states parties to end nuclear weapon sharing and extended nuclear deterrence arrangements should be incorporated in the summary. China and Iran also argued the summary should have addressed nuclear sharing.

The US said that the text could note that the issue was discussed and addressed during the negotiation of the NPT. Germany supported that.

Austria said that the language around nuclear threats is not enough compared to what the majority expressed during the debates, and that the draft should have included language on nuclear deterrence and on maintaining the nuclear taboo. South Africa said that the framing of the paragraph ignores concerns expressed by many about the increased role of deterrence and the resurgence of support in nuclear-armed states undermining nuclear taboo.

Poland said that in their view, nuclear deterrence is a legitimate concept and not damaging to the NPT. It also said that the security of any state party cannot be diminished in pursuing the goals of the NPT.

Nuclear risk

Regarding paragraph 22, Ireland said that risk is not limited to the use of nuclear weapons, but also arising from their continuous existence. South Africa similarly said that the threat of use, even in the context of deterrence doctrines, increases risk of use.

The US said it supported the language on nuclear risk reduction, which could have been given even great weight. France said risk reduction measures will contribute to creating the conditions for nuclear disarmament.

Joint Statement by the P5

Austria said that paragraph 24 on the P5 statement from January 2022 was weak, especially regarding taking concrete actions to give substance to the statement issued. Ireland suggested recognising the subsequent undermining of the P5 statement due to the actions of one nuclear-armed state.

The UK said that the paragraph seems to imply that the statement referred to a norm against the use of nuclear weapons, which was not the case. Similarly, France suggested deleting “norm against use of nuclear weapons” at the end.

No first use

China expressed support for paragraph 25. France opposed it.

Nuclear arsenal reductions

The UK suggested reflecting in paragraph 29 that concern was expressed over the rapid expansion of nuclear capabilities by one nuclear-armed state.

Fissile materials

The UK said that paragraph 36 needed a factual clarification, because the text implied that the five nuclear-armed states are in the same position, which they are not, because four of them have declared a moratorium on nuclear fissile material. France echoed this. France also said that paragraph 34 was too detailed, and that it should include reference to national security.

Working Group on strengthening the NPT review process

Malaysia welcomed the reference to the discussion on transparency and accountability within the working group, on paragraph 31. It said that the encouragement for nuclear-armed states to develop standardised reporting is a worthy element in the draft.

Ireland welcomed the focus on transparency and accountability on paragraphs 32-34, but said it could be strengthened by drawing on interventions from the floor, including the joint statement delivered by Aotearoa New Zealand on the previous day. It said the draft could include a call to the nuclear-armed states to lead by example by improving the quality of reporting and having dedicated time next session to discuss the report. Aotearoa New Zealand, Costa Rica, Egypt, Germany, Norway, and Sweden echoed these remarks. The Arab Group made similar remarks.

The Philippines asked for reference in the text to having “interactive discussions” to debate the reports in future sessions, which was echoed by Australia, Chile, Costa Rica, Peru, the Philippines, and others.

Switzerland said the draft should have included more references to transparency and accountability.

The US expressed support for the elements in the draft related to transparency and accountability.

Comprehensive Nuclear-Test-Ban Treaty (CTBT)

Mexico suggested fixing the typo in paragraph 37 to “Principe”. Italy said that paragraph 37 could have mentioned the relevance of the Article XIV Conference to facilitate entry into force of the CTBT. Chile, Costa Rica, and Panama echoed this. The US said that the paragraph could reflect some positive developments, like verification related-activities.

Egypt said that paragraphs 38, 39, and 42, contained different language than agreed at previous review conferences.

Ireland said that the distinction between nuclear-armed states and other Annex 2 states is not helpful, and that the summary should not include a hierarchy of states. Aotearoa New Zealand and Sweden echoed this. Russia said that paragraph 40 should reflect the concern over destructive policy of one of the state parties listed in Annex 2.

Negative security assurances (NSAs)

Russia opposed the reference to the Budapest Memorandum in paragraph 46 and said that the name of the state that did not ratify protocols to nuclear weapon free zone treaties should be explicitly mentioned. The Czech Republic, Germany, the UK, and Ukraine said the reference was pertinent.

France said that paragraph 45 significantly deviates from agreed wording of the 2010 Action Plan and the draft outcome report of the 2022 Review Conference.

Indonesia welcomed the reference to NSAs but said that the existing NSAs don’t provide adequate assurance.

Irreversibility

The UK suggested adding a paragraph 49bis, noting the discussion held in this PrepCom about irreversibility of nuclear disarmament. Australia and Norway echoed this and Egypt said it could agree.

Safeguards

Egypt said that on paragraph 53, the language referring to the IAEA being the “most appropriate forum” undermines language previously agreed about the role of the Agency as sole competent authority. Peru echoed this.

Comprehensive Safeguard Agreement (CSAs) and Additional Protocols (APs)

Argentina expressed reservation to paragraphs 60, 61, and 62. Egypt said that one of the key concerns is that the formulation used in these paragraphs does not correspond to agreed language from the outcome documents from the 2000 and 2010 Review Conferences. Brazil also said that the language of paragraphs 60-63 does not find basis in previous consensus documents and is unacceptable.

Ireland said that the emphasis on sovereignty overlooks the recognition from states parties that CSAs and APs are the current IAEA verification standard, and the call for their early universalisation.

France proposed merging paragraphs 61 and 62 to make them more coherent.

Sweden said that paragraphs 60-62 belong in the draft even if views are not majority.

Nuclear security

Regarding paragraphs 70-71, Egypt suggested revisiting language used in IAEA resolutions about nuclear security.

France said that paragraph 70 should refer to nuclear safety rather than nuclear security.

Argentina said that these paragraphs address issues that have not reached consensus yet. South Africa said that nuclear security cannot be a precondition for access to nuclear technologies for peaceful purposes.

Venezuela opposed referring to Nuclear Security Summits, arguing that only a few states attended them. It said it would have preferred previous language that refers to Conferences on Nuclear Security, which were conducted by the IAEA.

Export controls

Ireland said that the paragraph does not recognise that effective export controls are central to enabling cooperation in the field of nuclear energy. Aotearoa New Zealand echoed this.

The US said that paragraphs 78-94 reflect a point made many times during the discussions that the access to nuclear energy and nuclear technologies are not an open ended right under the NPT, but have to be in conformity with nuclear proliferation aspects of the Treaty. France made similar remarks.

France said that paragraph 77 could mention specific export control regimes like the Nuclear Suppliers Group (NSG) and the Zangger Committee. Germany echoed this.

Nuclear weapon free zones (NWFZs)

In paragraph 81, Mexico said that the verb used is “review” reservations, but argued that it should also say “and withdraw,” which has been called for by many delegations. South Africa likewise highlighted that interpretative statements must be withdrawn, not just reviewed. Brazil echoed this and said that the document could have contained reference to regional safeguards arrangements, like ABACC.

The Philippines clarified that the Bangkok Treaty does not admit reservations, and said it would prefer to delete the last sentence of paragraph 81, or create a new paragraph with just that sentence, so as to avoid a wrongful interpretation. Indonesia, Singapore, South Africa, and Thailand echoed this.

Regarding paragraph 84 on the WMDFZ in the Middle East, Iraq said that interventions on the floor also called for the continuation of the international community's support to bring a successful outcome. Iran said that the paragraph disregarded views of two main groups and many individual states on the importance of Israel joining the NPT. It also added that the paragraph overlooks agreed language from the 2000 and 2010 Review Conferences.

South Africa said that there needed to be more about the NWFZ in the Middle East and Europe. Saudi Arabia made similar remarks regarding the NWFZ in the Middle East. The Arab Group said that the reference to implementation of the 1995 resolution doesn't take into account the concerns of the Group expressed in the room.

Iran's nuclear programme

France proposed to include in paragraph 87 that Iran's highly enriched uranium has no civilian justification. Germany echoed this. Iran objected to references to its nuclear programme.

Syria's nuclear programme

Russia opposed paragraph 88, saying that accusations had no evidence. Syria also opposed the paragraph, saying it had cooperated with the IAEA beyond its obligations with CSAs, and objected to the fact that the paragraph does not contain a condemnation of the attack by Israel. Iran also supported the deletion of the paragraph, arguing that it is not a factual reflection of the discussions.

The UK supported the paragraph as drafted.

Democratic People's Republic of Korea (DPRK)'s nuclear programme

Russia opposed the wording of paragraph 90. Japan said that paragraphs 89-92 captures very well the overall discussion of the DPRK, including the joint statement delivered by France on the previous day on behalf of a number of states.

Peaceful uses of nuclear energy (PUNE)

Ireland said that paragraph 100 does not reflect what was discussed on the floor, as it calls for "appropriate and effective levels of safety and security" instead of "higher standards of safety and security." Aotearoa New Zealand made similar remarks, also highlighting that the highest standards of safety and security also apply to waste management and transport. Switzerland also supported referring to "highest levels".

Austria suggested to use established language on paragraph 104, and say "note" instead of "welcome".

Cuba said that the paragraphs about technical cooperation and PUNE are unbalanced, as they don't reflect interventions in the room that called for the avoidance of politicisation and establishment of conditions, such as coercive unilateral measures. Venezuela echoed these remarks. The Arab Group reiterated that cooperation and technical assistance must not be subject to any restrictions that run counter to the IAEA Statute.

France opposed mention of voluntary basis in paragraph 101, saying that it didn't see the need for this reference. South Africa expressed support for retaining the paragraph as drafted.

Nuclear safety and security regarding nuclear facilities

Ukraine suggested replacing “military activities” in paragraph 66 with “combat activities”, and in the fourth line, to replace the word “activities” with “operations,” as well as in the seventh line. The US said that the first line should express concern over Russia’s military activities.

Regarding paragraph 115, the UK suggested using text from the draft final outcome document of the 2022 RevCon, as it is more balanced. Switzerland supported the reference to the IAEA Director General’s Seven Indispensable Pillars.

Russia said that paragraph 116 on the Zaporizhzhya Nuclear Power Plant (ZNPP) needed to be balanced with the opinion also expressed that the “Russian ZNPP” is operating in full compliance with safety concerns. Aotearoa New Zealand, Austria, Belgium, Canada, France, Guatemala, Ireland, the Netherlands, Norway, Poland, Sweden, Switzerland, the UK, Ukraine, and the US expressed strong opposition to this.

Austria also said that the paragraph did not reflect the strong condemnation of the invasion as expressed in the room, and most of these states called for a change in the draft to reflect that. Spain said that paragraph 116 should highlight that the situation faced at the ZNPP is not a result of an incident or accident, but of an unjustified act of aggression. Ukraine proposed the addition of reference to “the external aggression against Ukraine.” The Czech Republic, Germany, Italy, Poland, and Sweden also said that the nexus should be reflected. Russia opposed this.

Withdrawal

Ireland said that articles 18 and 19 do not reflect discussions in the room, as many states placed emphasis on the need to discourage withdrawal. Aotearoa New Zealand echoed this.

AUKUS

China and Iran complained that no reference was made to AUKUS in the summary even though many delegations expressed concerns about its implications for non-proliferation and safeguards.

Fukushima

Iran complained that the summary did not refer to the many concerns expressed about Japan’s plans to release contaminated water from Fukushima.

For documents, statements, working papers, NGO materials, and other information from the NPT Preparatory Committee, see www.reachingcriticalwill.org.

Report on the Draft Report of the PrepCom

Laura Varella | Reaching Critical Will of WILPF

On 10 August, the Chair presented the **Draft Report of the Preparatory Committee on its first session**. On the same date, the Chair also presented the **Recommendations by the Chair of the first session of the Preparatory Committee for potential areas for focused discussion at the second session of the Preparatory Committee for the 2026 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**. The following report provides an overview of interventions delivered on Friday, 11 August, when states discussed the documents. This report is not a comprehensive accounting of all positions on every issue.

Chair's draft factual summary

During the discussion about paragraph 23 of the Draft Report, which lists the documents of the Preparatory Committee, Iran expressed opposition to including reference to the draft factual summary report. Russia and Syria supported Iran's position.

Canada recalled during the previous review cycles, Chair's summaries were included as working papers. Austria said that it was made clear that the factual summary did not represent consensus and would be issued under the Chair's personal capacity.

However, Iran opposed the inclusion of the document, even if listed as a working paper by the Chair, because it singled out Iran negatively by name.

After some back and forth and further consultations, the Chair decided to withdraw the draft factual summary. He emphasised that it is a prerogative of the Chair to submit working papers and that this decision should not be seen as inhibiting the authority of future Chairs to do so. He expressed disappointment with the situation, as did other delegations during closing remarks.

Chair's recommendations

During the discussions on Friday morning, several states expressed opposition to the recommendations circulated by the Chair on Thursday night. China took note of the recommendations, but said that there was no precedent for such action by the Chair and questioned whether he had the right to do this without sufficient consultation with states parties. Iran also questioned why delegations were not consulted or informed about this new innovation.

During the discussions on which documents should be listed in paragraph 23, Russia opposed the inclusion of the Chair's recommendations. Canada recalled that in 2017 and in 2018, the Chair's offered recommendations to the next PrepComs. The UK echoed this. But Russia argued that those documents were fundamentally different, as they offered the Chairs' reflections, not their recommendations. China echoed this. Canada replied that while the documents were called "reflection papers," it was clear that they offered recommendations.

Austria said that it is important for Chairs to pass on reflections in a personal capacity, as food for thought for the next meeting. It said it would like to see them included in the report.

The Czech Republic said that states can't abrogate from a long-standing process in multilateral forums, in which Chairs are allowed to issue documents in their own capacity. Mexico said that they would have

many comments to make on the substance of the recommendations, but that it had no problem with them being included in the report as diplomatic practice. Aotearoa New Zealand, Ireland, and Japan also expressed support for the inclusion.

After consultations, the Chair decided to issue a working paper titled “Reflections by the chair” and list it in paragraph 23.

Concluding remarks

Kazakhstan said it recognised the value contained in the reflections and that as incoming Chair it remained open to further discussion. It expressed gratitude to the Chair’s efforts for this PrepCom.

Japan also expressed appreciation for the Chair’s effective leadership and regretted the lack of consensus in the working group, but appreciated the Chair’s working paper.

Switzerland made similar remarks regarding the working group and the Chair’s working paper. However, it expressed negative feelings that states have decided to delete a document that was considered from the records of this meeting. Ireland and Germany also regretted that the factual summary will not be submitted.

The Chair said that it is clear from discussions that one dividing line is the pace of nuclear disarmament, which needs to be addressed in a serious manner. He also said that the five states parties who are in possession of nuclear weapons are the same permanent members of the UN Security Council, and highlighted their special responsibility for improvement of the security environment in the world. The Chair said he was happy with the interactive nature of this meeting and expressed hope that states can achieve concrete results further in the review process.

Report on Strengthening the NPT Review Process and Other Provisions of the Treaty

Emma Bjertén | Reaching Critical Will of WILPF

Discussions on “Improving the effectiveness of the strengthened review process,” as well as on other provisions of the Treaty, took place on Wednesday, 9 August. This report provides an overview of interventions made and is not necessarily a comprehensive accounting of all positions.

Improving the effectiveness of the strengthened review process

A number of delegations including the European Union (EU), Non-Proliferation and Disarmament Initiative (NPTDI), Austria, Belgium, Brazil, Chile, France, Germany, Indonesia, Japan, Poland, Singapore, Thailand, Türkiye, Switzerland, Norway, the Philippines, the United Kingdom (UK), and the United States (US) expressed their disappointment that state parties were not able to reach an agreement on concrete recommendations from the Working Group (WG) on this topic.

While many states lamented the absence of an adopted outcome document from the WG, several delegations including the the EU, NPTDI, Belgium, Chile, France, Germany, Italy, Japan, Norway, the Philippines, Poland, Spain, Sweden, Switzerland, the UK, and the US were encouraged by the interactive, substantive, and “refreshing” discussions that took place on 24–28 July.

The NPTI said that it during the interactive debate at the WG, became clear that there is an urgent need to discuss and improve the effectiveness, efficiency, transparency, accountability, coordination, and continuity of the review process of the NPT. The EU noted how the WG resulted in “broad cross-regional, nearly unanimous support for the objective of further developing recommendations and reviewing the implementation of previous NPT obligations and commitments.”

Germany observed that states parties “were capable of discussing openly and in a constructive way all difficult topics, whereas in the traditional PrepCom session we immediately fell back to long, rigid debates.” Sweden referred to the discussions during the WG as “perhaps the single most promising development over the past few weeks” and Poland said state parties accumulated a substantial body of opinions as well as valuable proposals that cannot afford to be wasted. Japan expressed that the WG was meaningful.

Austria highlighted how the work on strengthening the review process is vital, since the current NPT process obviously does not deliver what delegations are expecting, arguing that “the world needs the NPT and its implementation more than at any time since its creation.”

Germany recalled that only a few countries blocked the group consensus and urged the few state parties that broke consensus to reconsider their positions “and engage positively to make the NPT and its Review Process stronger and more effective”.

Strong support for the Chair’s Working Paper

Several delegations including the EU, the NPTI, a joint statement by a Group of States delivered by Aotearoa New Zealand, Belgium, Brazil, Chile, Czech Republic, Egypt, France, Germany, Italy, Japan, Malaysia, Norway, the Philippines, Poland, Singapore, Spain, Sweden, Switzerland, Thailand, Türkiye, the UK, and the US stressed their support for the *Working paper from the Chair of the working group on further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons*. The overall majority of states that delivered statements expressed that the working paper is a good basis for future discussions. Austria made similar remarks but noted that the working paper did not contain all elements it would have liked to see included.

Transparency and accountability

Several delegations including the EU, a joint statement by a Group of States delivered by Aotearoa New Zealand, Austria, Belgium, Brazil, Canada, Chile, Egypt, France, Indonesia, Ireland, Italy, Japan, Malaysia, Mexico, Norway, the Philippines, Singapore, Switzerland, South Africa, Spain, Thailand, and the UK highlighted the discussion on transparency and accountability as a priority that required further attention. The overall majority of these delegations, in line with paragraph 16-17 in the Chair’s working paper, specifically stressed the importance of reporting by nuclear-armed states regarding implementation of their NPT obligations under Article VI.

Ireland pointed out how the quality of the information on the implementation of nuclear disarmament obligations and commitments remains extremely mixed, “not least because the Nuclear Weapon States have continued to report in an inconsistent and patchy manner, including at times providing the same data year after year.”

Japan and the Philippines highlighted the imbalance in how non-nuclear armed states demonstrate a high level of transparency in the implementation of non-proliferation obligations through reports to the International Atomic Energy Agency (IAEA), while there is no specific transparency mechanism for nuclear-armed states to demonstrate implementation of their nuclear disarmament obligations.

A joint statement of a Group of States delivered by Aotearoa New Zealand recalled that the priority of transparency and accountability has its foundation in Decision 1 of the 1995 NPT Review and Extension Conference, the outcome document of the 2000 NPT Review Conference and the '13 Practical Steps' as well as the outcome document of the 2010 NPT Review Conference. Specifically, Actions 5, 20, and 21 reinforced transparency as a central principle of the implementation of treaty obligations, and further emphasised the importance of regular, standardised reporting. Similar remarks were made by the NPDI, Chile, Ireland, Italy, Japan, and Malaysia.

A number of delegations including the NPDI, Aotearoa New Zealand, Austria, Brazil, and Ireland highlighted how reporting could serve as an essential instrument for providing greater transparency, rebuilding measures of mutual trust, and for achieving greater accountability. They also argued that adequate reporting provides clear information that can serve as a baseline from which to measure progress made on NPT implementation. Aotearoa New Zealand emphasised that "the purpose of stronger national reporting by the nuclear weapon states and better process is not that it takes place for its own sake. It is intended to prevent us talking past each other, to incentivise better and faster implementation of Article VI obligations and related accountabilities, and to make transparent the direction of travel."

Several states including Aotearoa New Zealand, Japan, Malaysia, the Philippines, and Switzerland also stressed that adequate time should be given for interactive discussions on national reporting by nuclear-armed states. On behalf of a Group of States, Aotearoa New Zealand encouraged nuclear-armed states to lead by example and present their next national report at the first available opportunity, preferably at the Second Session of the Preparatory Committee. Switzerland suggested that a plenary session dedicated to specific issues under cluster 1 could be an appropriate place for such a discussion. Austria made similar remarks.

In order to provide an added layer of transparency and accountability, several delegations including the NPDI, Austria, Canada, and the Philippines also suggested establishing an independent publication on NPT reporting, an NPT Monitor. Austria suggested this could be conducted by peer-review or an independent outside body, such as United Nations Institute for Disarmament Research (UNIDIR) or the International Atomic Energy Agency (IAEA).

Egypt said that it has waited for effective implementation and to achieve the goals of the NPT for 53 years and that submitting detailed reports with benchmarks and clear deadlines is a step long overdue.

The Group of States as well as Ireland encouraged the Chair to reflect on the wide support for the transparency and accountability in his factual summary.

Nuclear-armed state comments about transparency and accountability

The United Kingdom agreed that nuclear-armed states should take steps to improve the quality and consistency of reporting on nuclear disarmament commitments. It acknowledged how enhanced transparency would support disarmament through reinforcement, confidence-building, and negotiations between nuclear-armed states as well as improve their accountability to each other regarding the implementation of the NPT. The UK announced that it, as in the past review cycle, intends to submit a national implementation report twice during the current review cycle, using the reporting framework agreed upon by the nuclear-armed states in 2013, and welcomed feedback from states parties and civil society to ensure its usefulness.

France highlighted how it has formulated concrete proposals to improve transparency and accountability and argued that this remains central for strengthening the review cycle. France proposed a specific

session to be organised at the third session of the Preparatory Committee that could serve as a platform to discuss expectations and priorities for the reporting of nuclear-armed states to enable input from NPT state parties, non-nuclear armed states, and civil society. France emphasised that it will ensure the quality of its own reports and encouraged other nuclear-armed states to submit substantive reports.

The United States acknowledged that transparency measures “can play a critical role in reducing misunderstandings and reassuring others that a state’s words and actions are in alignment, including as it pertains to prior consensus decisions of NPT review conferences.” It also declared that it remains ready and willing to allocate time for the interactive discussion of national reports in future NPT meetings. The US argued for the value of including reporting by both nuclear- armed states and non-nuclear armed states in order to “ensure a balanced treatment across all three pillars of the Treaty.”

The delegation of the US also highlighted its reporting in the past and said it voluntarily released aggregate data on US strategic offensive arms under the New Strategic Arms Reduction Treaty in May earlier this year, while noting that that Russia did not. It also noted that some states claim such reporting is overly burdensome or a danger to national security, and expressed its understanding of these challenges but argued it is worth the effort to report.

Russia said it would consider the results of the WG when developing its stance on a new process and that it relates to the issue of transparency and reporting. China emphasised that it firmly upholds the NPT and its obligations to fully implement the Treaty and said it had taken an active part in the meetings over the past two weeks. China expressed hope that its contributions, including the working papers it submitted, could lay a solid basis for future discussions on the review process.

Effectiveness and efficiency

In order to give states parties the best possible chance of reaching consensus conclusions and recommendations, the UK acknowledged that more could be done to make effective and efficient use of the time allocated to the Preparatory Committee and the Review Conference. The NPDI also stressed that more efficient use of time would allow for a greater substantive discussion of issues earlier on in the main committees and supported the idea of enforcing time limits on statements delivered during PrepComs and RevCons, as established at the last Review Conference.

The NPDI also recommended that the president of the Review Conference should provide clarity and guidance on the function and role of the subsidiary bodies and facilitate a better understanding whether topics are fixed or can be changed. It emphasised that subsidiary bodies should be framed as a venue for in-depth discussion and stressed the need to reflect upon their interrelation in order to avoid potential overlap. Malaysia acknowledged the proposal of conducting the Main Committees of the Review Conference in an interactive format without a formal list of speakers, where the Secretariat prepares thematic omnibus documents based on the working papers submitted for states parties’ consideration.

Coordination and continuity

Malaysia valued the proposal for Chairs of Preparatory Committee sessions and the Review Conference President to undertake regional consultations. As Chair of the Third Session of the Preparatory Committee in 2019 and Main Committee 1 for the Tenth NPT Review Conference in 2022, Malaysia recognised how regional consultations contributed to better engagement among states parties, especially on regional issues and priorities. Poland also stressed that the role of the NPT Secretariat as well as the review cycle Bureau should be properly institutionalised in order to increase the efficiency of the review process and become more available to conduct consultations with respective states parties as well as with regional groups.

The US expressed that the review process would benefit from the early selection of the Chair and Poland emphasised that the selection of the Bureau members should be completed as early as possible. Similar remarks were made by Thailand. To facilitate continuity between and within review cycles and enabling more focus on substantive matters, the NPDI suggested that the formal establishment of a “Chair’s Bureau” should be considered. The NPDI argued that a Chair’s Bureau would require the earlier nomination of PrepCom and RevCon officials so that the Bureau can be established at the outset of the review cycle and stressed that considerations could be given to how the Chairs’ Bureau could be supported to better manage the administrative matters of the review process.

Strengthening the review process is not a guarantee for success

Though several delegations expressed the importance of strengthening the review process, a number of states including Austria, Egypt, Indonesia, Malaysia, and South Africa also warned that strengthening the working methods of the NPT review process will not necessarily pave the way for a successful Review Conference.

South Africa emphasised that the inability of state parties to reach consensus cannot be blamed on shortcomings of the review process itself and pointed out that the failure of not being able to reach success in the last two RevComs rather had to do with the lack of political commitment than the structure. Indonesia highlighted how the lack of political will prevents states parties from making significant advancements towards nuclear disarmament. Austria said that it is “under no illusion that tweaking the working methods of the NPT can in any way make up for the serious lack of political will to return to implementation of nuclear disarmament obligations and commitments, but as ardent supporters of this cornerstone Treaty, we will be actively engaged in all initiatives and proposals to improve its functioning. We owe this to the survivors of use and testing—no less pertinent on today’s anniversary of the nuclear bombing of Nagasaki—but also to future generations.”

Egypt stressed that any mechanism of strengthening the process must start with this gap and Thailand stressed that the political will of all parties remains the most critical element for achieving our common goal.

To build on the momentum

Many delegations including the EU, the NPDI, the Group of States, Czech Republic, Germany, Malaysia, Poland, and Sweden encouraged Ambassador Akan Rakhmetullin of Kazakhstan, as the Chair of the second session of the PrepCom, to work with states parties to continue advancing practical efforts to strengthen the review process and to provide adequate time in order to build on the momentum.

The EU stressed a particular need to provide adequate time for the issue of transparency and accountability. Aotearoa New Zealand and Brazil also requested allocated time for reporting. Poland requested an appropriate time for substantial, inclusive, and constructive deliberations, both in a separate week dedicated solely to the Working Group deliberations, and the thematic debate during the PrepCom sessions in the next sessions of this review cycle in Geneva.

Inclusivity and gender

Canada, Ireland, Mexico and Spain called for full integration of a gender perspective in all aspects related to the Treaty. Germany also highlighted inclusivity as important. Thailand highlighted the need to ensure inclusivity saying, “Leaving no one behind is the only way to ensure continued progress towards the implementation of obligations and commitments under the NPT.”

Austria concluded regrettably, that “our Treaty is firmly rooted in the standards of the 60s, not fit of our times anymore” and proposed several recommendations to improve inclusion of civil society organisations, survivors of nuclear weapon use and testing, and academia by allowing their “participation throughout the deliberations, according them a number of speaking slots at every meeting to allow interaction throughout the deliberations to enliven discussions and promote new viewpoints, adding speaking slots for representatives of the CTBTO, the president of the TPNW and other relevant treaties or organisations.” Austria also called for representation of all genders and for discussion about gender perspectives and norms.

A number of states including Aotearoa New Zealand, Austria, Canada, Chile, Mexico, Norway, and Spain addressed the value of including civil society and expressed disappointment that the WG had not been open to civil society. Chile and Mexico also addressed the need to include academia.

The EU and France also highlighted the importance of raising inclusivity throughout the NPT review cycle and wanted to see progress in this field. Austria emphasised the importance to opening all meetings, both in terms of participation and webcasting. This was echoed by Canada.

Chile specifically welcomed paragraph 24 and 25 in the Chair’s working paper and stated it is essential to create relevant instances that allows the participation of civil society as well as academia. It also recognised the important role of UNODA and the IAEA for the Chair’s bureau. In contrast, Egypt expressed that it did support the Chair’s working paper and reserved itself from paragraph 24–26, which it did not find effective.

In order to strengthen the review process, Japan also said public awareness-raising plays a crucial role. To make the review process more widely known and increase the support for disarmament and non-proliferation, Japan specifically highlighted the importance of education and the role of youth. Japan urged state parties to commit to concrete measures to raise awareness of the public as well as to share the experiences of the people and communities affected by nuclear weapons use and testing, and to address humanitarian and environmental impacts.

Other provisions of the Treaty

During the discussion on the Cluster Three Specific Issue, a number of topics were raised that not necessarily related specifically to cluster three or improving the effectiveness of the strengthened review process. Below is an overview of interventions made related to other specific issues. It is not necessarily a comprehensive accounting of all positions.

Gender mainstreaming efforts

The delegation of Ireland recalled that the Tenth NPT Review Conference was the first time that gender was addressed across the three pillars in a substantive manner. Ireland highlighted the joint Working Paper it submitted to the Preparatory Committee, authored together with UNIDIR, Australia, Canada, Mexico, Namibia, Norway, Panama, Philippines, Spain, Sweden, and Thailand, that takes forward gender mainstreaming efforts in the NPT.

It highlighted how gender equality in the NPT and diverse teams can improve the effectiveness of the NPT process and outcomes. Ireland noted the positive trend of the increasing number of women in delegations. Besides the gendered impacts regarding exposure of nuclear risks, Ireland also addressed the differential gendered impacts regarding the ability to access peaceful uses of nuclear energy as well as access to engineering trainings and education.

Ireland's statement was supported by Mexico, which also noted that the broader framework for human security would be beneficial in order to strengthen understandings about the humanitarian consequences of nuclear weapons and allow progress in implementing the NPT and its obligations.

Democratic People's Republic of Korea (DPRK)

France delivered a statement on behalf of 74 states condemning "continued escalatory actions taken by the DPRK through a record number of unlawful ballistic missile launches, violating UNSC resolutions, threatening the safety and sovereignty of neighbouring countries, and undermining regional and international peace and security."

Iran exercised its right of reply responding to the statement, arguing it looked like "a comedy" that France, the United Kingdom, and the United States are calling on DPRK, that is no longer party of the NPT, to implement its obligations when, as Iran claimed, they are not implementing their own obligations under the Treaty.

Withdrawal and universalisation

Ireland and Japan stressed the importance of addressing Article X regarding withdrawal from the NPT. Japan considered this issue to be the most critical problem in order for the NPT to be effective and credible. Japan emphasised that the right to withdrawal only can be exercised in the face of extraordinary events, and that the procedures in Article X must be fully and strictly followed. Referring to a working paper submitted by the NPDI, Japan addressed several key measures on the topic, including that states parties exercising their right under Article X shall remain responsible under international law for violations of the Treaty committed prior to withdrawal, and that nuclear materials, equipment, and technology acquired by a state under Article IV of the NPT prior to withdrawal shall remain under IAEA safeguards after withdrawal. Japan said it would be useful to clarify how states parties and the UN Security Council should deal with a potential new notice of withdrawal in accordance with Article X.

Ireland also addressed that the review cycle should deepen and strengthen the work on withdrawal as well as universalisation.

Iran said Article X is "crystal clear and void of any ambiguity" in its creation of a lawful mechanism for states to terminate its Treaty obligations. It specified that determination of the existence of "extraordinary events" or which circumstances constitute "extraordinary events" is left completely to the discretion of the withdrawing state. It further said it would not agree to any proposal that would challenge, constrain, or condition the right to withdraw from the Treaty. It argued that "the most effective way to prevent future withdrawal from NPT is to ensure full implementation of all its provisions, without selectivity, double standards or discriminatory approaches." On universality, Iran argued that nuclear-armed state non-compliance with their obligations works against universalisation efforts.

NPT NEWS IN REVIEW

Reaching Critical Will (RCW) is the disarmament programme of the Women's International League for Peace and Freedom (WILPF), the oldest feminist peace organisation in the world.

RCW works for disarmament and the prohibition of many different weapon systems; confronting militarism and military spending; and exposing gendered aspects of the impact of weapons and disarmament processes with a feminist lens.

RCW also monitors and analyses international disarmament processes, providing primary resources, reporting, and civil society coordination at various UN-related forums.

The *NPT News in Review* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom (WILPF). WILPF is a steering group member of International Campaign to Abolish Nuclear Weapons (ICAN).

The views expressed in this publication are not necessarily those of WILPF or ICAN.

NPT NEWS IN REVIEW

Vol. 18, No. 6

11 August 2023

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Reaching Critical Will



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