

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Annex IV

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**Report from the Civil Society Forum
A side event at the
Conference of States Parties and Signatories to the Treaties that establish Nuclear-
Weapon-Free
Zones
organized by the Mayors for Peace
and the Parliamentary Network for Nuclear Disarmament.**

*Report presented by Alyn Ware
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[Original: English]

Mr President, your excellencies, ladies and gentlemen.

I have the honour to present the report from the Civil Society Forum, the side event organized by the Mayors for Peace and the Parliamentary Network for Nuclear Disarmament.

Firstly I would like to thank all the States Parties to the nuclear free zone treaties for establishing space at this conference for interested sectors of civil society to meet, and I would like to thank the government of Mexico for inviting us to coordinate the event.

The Forum included representation from mayors, parliamentarians, academics, scientists, government officials, media, nuclear survivors and non-governmental organisations from around the world. The breadth of representation is indicative of the strong and growing interest in the wider community about the unacceptable risks from current nuclear stockpiles and policies, and also the common understanding that the establishment, consolidation, strengthening and expansion of nuclear weapon free zones can play an effective role in the prevention of nuclear proliferation and the achievement of a nuclear weapons free world.

The forum served as a sharing of ideas and initiatives from the various civil society sectors relating to nuclear weapons free zones. It did not attempt to arrive at any agreed resolution or declaration. However, there was general agreement that this Conference, in bringing together all the States Parties to Nuclear Weapon Free Zone treaties for the first time, is an historic event that in itself serves to strengthen the global norm against nuclear weapons, especially through the adoption of a common declaration. In addition, this conference can serve as a basis for future meetings of States parties in order to move from common declarations to collaborative action. There was considerable support, for example, for the establishment of a Southern Hemisphere

and Adjacent Areas Nuclear Weapons Free Zone. Such a zone should include an appeal to the nuclear weapon States to honour the desires of the region to be totally free from nuclear weapons and thus the NWS should desist from transiting deployed nuclear weapons through the oceans in the zone. The Bangkok-Treaty-prohibition of the threat or use of nuclear weapons from within or into the zone including the exclusive economic ocean zones, was cited as a positive step towards such a southern hemisphere zone free from all nuclear weapons including those on submarines and ships.

The concept of nuclear weapons free zones as steps towards a nuclear weapons free world was a common theme. This included encouragement to States Parties to the zones to actively encourage states in other regions to establish nuclear weapon free zones. One such proposal discussed was for a North East Asia NWFZ. It was noted that Nuclear Weapon Free Zones (NWFZs) provide security benefits in a region beyond just solidifying a ban on nuclear weapons – they also serve as confidence building and peacemaking vehicles. It was hoped by many that the regions covered by nuclear weapon free zones should expand quickly to make the whole world a nuclear weapons free zone, or as one participant suggested, the Adjacent Areas referred to in the proposal for a Southern Hemisphere and Adjacent Areas NWFZ could in fact be the Northern Hemisphere.

There was some consideration of the idea that if the NPT Review Conference and the Conference on Disarmament fail to initiate negotiations leading to the abolition and elimination of nuclear weapons as required under Article VI of the NPT and affirmed as customary law by the International Court of Justice, then the States parties to the NWFZs could initiate deliberations or negotiations on a program or treaty for nuclear disarmament. It was noted that the States parties to NWFZs, having renounced nuclear weapons themselves, have the moral authority to require Nuclear Weapon States (NWS) to develop concrete plans and initiate ongoing steps towards complete nuclear disarmament.

It was recognized that while the strengthening of regional nuclear weapon free zones by treaty amendment is a difficult process, individual States can take domestic action to strengthen the international norm against nuclear weapons by adopting regulations or legislation prohibiting nuclear weapons and instigating criminal responsibility for violations, such as the legislation adopted by New Zealand. It was noted that there is a strengthened mandate, as well as increased opportunities, for States to take such domestic actions as a result of the 1996 International Court of Justice Advisory Opinion affirming the illegality of nuclear weapons threat and use, and United Nations Security Council Resolution 1540 on preventing proliferation of weapons of mass destruction.

Considerable attention was given to the forthcoming NPT Review Conference and what steps should be accomplished through the NPT forum, regardless of whether or not there is universal agreement in May 2005. These included implementation of the disarmament steps agreed in 2000 and the proposal by Malaysia, in their draft NPT working paper released in November 2004, that NPT States Parties give consideration to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons free world.

Key initiatives from various sectors of civil society were discussed such as the drafting and adoption of parliamentary resolutions in various legislatures including in the NWS, and the success of Mayors for Peace in engaging 1000 mayors in a vision for a nuclear weapons free world by 2020.

A strong focus of the forum, stimulated by the testimonies of survivors from the nuclear bombs detonated at Hiroshima and Nagasaki and the nuclear tests in the Pacific, and also from the mayors, was the environmental and health damage in the past, present and future, by any use or testing of nuclear weapons and also by the production of nuclear weapons and nuclear energy and the resulting radioactive waste. There was reaffirmation of the ICJ conclusion that “the effects of nuclear weapons cannot be contained in time or space” and support for the Declaration of the Rights of Future Generations which was initiated by Jacques Cousteau.

Specific concern was expressed about both the environmental and proliferation risks of plutonium reprocessing and nuclear materials shipments. The requirement of coastal States and others to obtain adequate safety measures, disclosure, liability, security and compensation in relation to such transports was acknowledged in the Small Island Developing States Declaration (SIDS) in Mauritius. However, there was recognition at the Civil Society Forum that such measures do not appear to be – nor possibly could be – adequate to compensate for an accident or disaster. It was urged that a stronger application of the precautionary principle be made, which would therefore proscribe such shipments in accordance with SIDS’ goals.

There was a strong feeling amongst the participants that civil society members can provide inspiration, experience, ideas and support in the review and implementation of the goals of the NWFZs, and as such there was hope that civil society representatives could play a more direct role in future meetings of the States parties of NWFZs. [May I add that the granting of the floor to the representative of Pugwash yesterday was a positive precedent in this regard]

In conclusion, may I take this opportunity to express once again the sentiment that this is indeed an historical conference, bringing together 108 States parties to NWFZs, observer States and civil society to establish a new and powerful forum for the delegitimation and abolition of nuclear weapons. It was noted that the nuclear age began in New Mexico and perhaps the older wiser Mexico { in relation to nuclear weapons at least } will become known as the place where the end of the nuclear age began.

Thank you.