



Pax Christi International Text Proposals Regarding the May 22, 2017 “Draft Convention on the Prohibition of Nuclear Weapons”

Pax Christi International welcomes the draft “Convention on the Prohibition of Nuclear Weapons”¹ released on 22 May 2017. It is a historic moment for all those of us who have been striving for years to make progress towards the prohibition and elimination of nuclear weapons. Positively, the draft treaty connects the need to outlaw nuclear weapons with what nuclear weapons do to people and the planet.² The document forms the basis for the negotiations taking place at UN headquarters in New York 15 June through 7 July 2017.

Our movement calls upon all UN member states to participate in the upcoming negotiations and to contribute to a robust human-centered legal instrument through the inclusion of strong prohibitions, shared responsibility and binding obligations that apply core human values to protect life and our common future.³ Pax Christi International wishes to offer the following proposals regarding the draft treaty for consideration during the negotiations.⁴

SECTION – PREAMBLE

Second Paragraph (“Cognizant that . . .”)

Suggestion: Insert the words “present and” before the words “future generations”

Reason: Emphasizes the broader scope of the threat

Third Paragraph (“Mindful of . . .”)

Suggestion: Add the words “production and” immediately before the word “testing”

Reason: Production itself can adversely affect health, and cause suffering

¹ The draft treaty is available on ICAN’s website: <http://www.icanw.org/campaign-news/negotiations/>.

² For our reaction to the release of the draft treaty, see: <http://www.paxchristi.net/news/united-nations-new-draft-treaty-ban-nuclear-weapons-released-ahead-un-negotiations/6694#sthash.4kYnshWK.dpbs>

³ See also our February statement with four calls to governments for a human-centered treaty: <http://www.paxchristi.net/news/statement-nuclear-weapons-ban-negotiations-four-calls-governments-human-centered-treaty/6582#sthash.coI25K89.dpbs>.

⁴ Also, we support the proposals by the International Campaign to Abolish Nuclear Weapons (ICAN) of which we are a member: http://www.icanw.org/wp-content/uploads/2017/06/ICAN_briefing_June.pdf?mc_cid=4206fc8b7f&mc_eid=ea5d507526



Fourth Paragraph (“Basing themselves . . .”)

Suggestion: Add the words “human rights and” prior to the reference to international humanitarian law

Reason: Both international humanitarian law and human rights law apply in the case of the use of nuclear weapons. It is important to note the added protection of human rights law outside of armed conflict.

Suggestion: Remove the word “natural” from the phrase “care shall be taken in warfare to protect the natural environment . . .” and from the phrase “to cause such damage to the natural environment”.

Reason: Human life cannot be separated from the environment on which all life relies. The inclusion of the word “natural” here gives a false sense that there is an “unnatural” environment in which we could somehow sustain life.

Other suggestions for the fourth paragraph:

- Add a reference to “International environmental law” or include a separate paragraph on the environmental impact.
- Include “long-term management of nuclear materials” among the environmental issues to be addressed.

Reason: International environmental law has developed to the point where it both complements existing international humanitarian law and addresses environmental consequences of weapons use which are not yet covered by IHL.

Twelfth Paragraph (“Affirming there exists an obligation to pursue in good faith . . .”)

Suggestion: Replace the words “to pursue” with “to achieve”

Reason: In this aspirational part of the treaty, it would make sense to include language that is stronger than pursuing good-faith negotiations alone. Instead, it should aspire to achieve the conclusion of successful negotiations.

SECTION 2 – BODY

Article 1 – General Obligations

Suggestion: Add new subsection (h) prohibiting the “Financing” of nuclear weapons, or, include “Financing” as part of 1(f), recognizing that financing the companies connected to



the production of key components of nuclear weapons is a form of assistance to the possession, stockpiling, etc.

Reason: Many states already consider the act of financing to be part of assisting with the acquisition, production, manufacturing, stockpiling or retention of weapons. Including the word financing in the text provides additional clarity for implementation. It is also in line with the intents and purposes of the treaty.

Article 6 - Assistance

Suggestions re Subparagraph (1.):

- Replace the phrase “in a position to do so shall” with the words “is obligated”
- After “individuals” add “and communities”
- Add the word “production” before the phrase “use or testing”
- Replace the word the word adequately with the phrase “to adequately and without discrimination”.

Reason: To better reflect the obligation of all states to their citizens under international humanitarian and human rights law.

Suggestion re Subparagraph (2.): Add the word “production,” before the words “testing or use” Suggestion re Subparagraph (2.): Insert the phrase “is obligated to provide or ensure protection of its population, and” before the words “shall have the right to request . . .”

Suggestion re Subparagraph (2): Add “ assessments and” after the word “environmental”.

Suggestion to add two sentences to Subparagraph (2): “Affected states are obliged to carry out programs that minimize further exposure and reduce harm, such as awareness-raising, public health assessments, provision of health care, and changes in agricultural practices.. International technical and financial assistance should be made available to assist them, as outlined in 6.3.”

Reason: These suggestions elaborate the ways that victim assistance can be provided, as well as means by which to reduce harm from the impact of nuclear weapons. They are in line with other weapons prohibition agreements.

Article 8 - International cooperation

Suggestion: Add language addressing the draft “right to . . . receive assistance” and how it is to be enforced, for example, at the end of Subparagraph (2) add: “..., including capacity building, technical, financial and legal assistance which may be reviewed during Meetings of



States Parties and Review Conferences and assigned to a subsidiary body formed to review specific cases. Add an obligation to provide assistance.

Article 9 - Meeting of States Parties

Suggestion re Subparagraph (1.): After the word “regularly,” insert the phrase “or upon request by (x number of) States Parties”. Issue also arises in Subparagraph (2.) (how meetings are convened). Possible language: Meetings could be called upon the request of a State, supported by the majority of the member States.

Reason: Need a mechanism for calling an emergency meeting other than in the ordinary course, in the event of a provocation or incident leading to an urgent need for a meeting on short notice

Suggestion: In addition to providing a mechanism for emergency meetings, there should be annual meetings, not simply biennial meetings. This is important for the health of the treaty, to deal with emergency situations.

Suggestion re Subparagraph (4.): One section would deal with States not parties to the Convention (they should attend as observers). All others should reflect the existing rules of procedure for the negotiations (namely, change “attend” to “participate.”)

The new text could look like this: “States not party to the Convention may be invited to attend the Meetings of States Parties and the Review Conferences as observers. The United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, and relevant non-governmental organizations will normally be invited to participate in the meetings of States Parties and the Review Conferences as observers.”

Reason: The rules of procedure relating to meetings of states parties should build on the rules of procedure for negotiations and not revert to limiting the participation of civil society.

Article 18 - Duration and Withdrawal

Suggestion re Subparagraphs (2) & (3): Strengthen these paragraphs so that the “right of withdrawal” is more difficult and more restrictive.

Reason: The impacts of nuclear weapons, the logic of deterrence, the lessons of nuclear history and core moral and religious values make withdrawal from the treaty unacceptable and of great consequence. Strong withdrawal provisions are need in the treaty. Simply deleting the current, weak provisions would allow the use, by default, of the even weaker withdrawal provisions of the Vienna Convention on the Law of Treaties.



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Pax Christi International is a Catholic and faith-based peace movement with 120 member organizations worldwide promoting peace, respect for human right, justice and reconciliation. The nuclear weapons ban is one of our advocacy priorities.