

Briefing paper | 15 June 2017 | Preamble

The draft Convention on the Prohibition of Nuclear Weapons

The draft text of the Convention on the Prohibition of Nuclear Weapons, which provides the basis for a prohibition of nuclear weapons, has been released by the President of the negotiations, Ambassador Elayne Whyte of Costa Rica. The draft is based on the discussions and inputs made at the first session of the conference to negotiate this treaty, held on 27-31 March 2017 at the United Nations in New York.

The negotiations will resume on the basis of this draft text on 15 June at the United Nations in New York, with the aim of concluding the negotiations by 7 July 2017.

Preamble

ICAN recognizes that the preamble of the Convention plays two significant roles. First, it outlines the aspirations of the treaty negotiations and their hope for how this treaty contributes towards the creation and maintenance of a world free of nuclear weapons. Second, the preamble serves as a tool to communicate that vision to the world.

ICAN welcomes that the draft text of the preamble outlines the concern over the catastrophic humanitarian consequences of any use of nuclear weapons and the importance of international humanitarian law. The preambular paragraphs reflecting these concerns and recognizing the victims of nuclear weapons detonations, in particular Hibakusha and those affected by nuclear testing, are a positive and important articulation of why states are taking this vital initiative.

However, there is a need to strengthen the language in the preamble.

Risk and humanitarian concern

The preamble needs to clearly articulate and affirm the unacceptable risk that the continued possession and existence of nuclear weapons pose for humanity. This risk is continuing to increase, and will remain until nuclear weapons are eliminated. This was one of the key conclusions of the three humanitarian consequences of nuclear weapons.

Any nuclear detonation would cause catastrophic humanitarian consequences, and the three conferences on the humanitarian impact of nuclear weapons have concluded that no sufficient humanitarian response capacity to such events exists. The Interagency study coordinated by UNIDIR, *Illusion of Safety*, also found that the UN System itself is unlikely to be able to offer much humanitarian assistance in the immediate aftermath of a nuclear

weapon detonation event. This was an important conclusion of the humanitarian initiative and needs to be reflected in the preamble.

As the treaty is based on humanitarian concerns, the preamble should clearly articulate the relevant principles and rules of international humanitarian law, international human rights law and environmental law. This is important because it reaffirms the reasoning behind the treaty as a whole, while also communicating the very indiscriminate, disproportionate and inhumane nature of nuclear weapons.

The states parties should make clear in the preamble that they are convinced that nuclear weapons serve no legitimate purpose given their indiscriminate nature, inherent immorality and potential to annihilate humanity.

In addition to recognizing the implications for socioeconomic development, the preamble should also highlight the resources spent on the development, maintenance, and modernization of nuclear weapon systems.

Impact on gender and indigenous communities

While the draft notes the impact of ionizing radiation on maternal health and girls, nuclear weapons have far greater gendered impacts than those two examples. Women exposed to radiation from nuclear weapons are more likely to develop cancer than men, in part because women have more high-risk tissue. In some known cases, women have been more exposed to radiation after the use or testing of nuclear weapons due to social structures around consumption of food.

Women and girls who have survived nuclear weapon tests or use, also face unique social challenges related to how they are treated in societies and communities.

Research and awareness on the gendered impact of nuclear weapons has grown significantly throughout the humanitarian initiative and therefore the text should more broadly recognize the impacts of nuclear weapons on women and girls.

Indigenous communities have borne the brunt of the consequences of nuclear testing. Governments and colonial forces exploded nuclear bombs on lands upon which indigenous communities depend for lives and livelihoods, and which contain places of critical cultural and spiritual significance – believing they were worthless. Nuclear tests permanently dislocated communities from homes and disconnected them from their traditional way of life. The preamble should therefore also recognize the disproportionate impact of nuclear weapons on indigenous communities around the world.

References to other treaties

The treaty prohibiting nuclear weapons follows other prohibitions of weapons that cause unacceptable humanitarian harm to civilians. It should therefore make reference to such previous treaties, in particular the Biological Weapons Convention, the Chemical Weapons Convention, the Convention on Certain Conventional Weapons and its protocols, the Anti-Personnel Mine Ban treaty, and the Convention on Cluster Munitions.