
United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination

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Youth Perspective on “The draft Convention on the Prohibition of Nuclear Weapons”

Submitted by: Amplify Youth Network– Generation of Change

Amplify is a global network of young people working for nuclear abolition. We believe that the United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination offers an opportunity for the international community to finally say that nuclear weapons are unacceptable. These weapons do not belong in our society now and they have no place in our future.

This working paper, based on input from members of our youth network, builds on previous working papers¹ submitted to the conference and its preceding conference the *Open Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations*. It furthermore highlights the necessity of involving youth in the negotiations and will provide additional elements for the draft Convention on the Prohibition of Nuclear Weapons to be considered for inclusion in the final treaty prohibiting nuclear weapons.

The Importance of Meaningful Youth Participation

These negotiations, as well as subsequent meetings pertaining to the treaty, and the treaty text itself will benefit from including the voices of youth from around the world. The negotiations and the processes that led us here are underpinned by concerns that progress on nuclear disarmament has been stunted; therefore, at this historic juncture it is important to bring in fresh ideas, new voices and innovative approaches so that the progress made can be built upon.

Young people are not only up to date with the changing world; they are the ones building it. As digital natives, young people are designing how we all interact and how information is shared. In this rapidly changing and increasingly connected world, openness and direct engagement are two things that youth expect from our leaders but

¹ Amplify, “Youth and Multilateral Nuclear Disarmament Negotiations” (A/CONF.229/2017/NGO/WP.17): <https://www.un.org/disarmament/ptnw/pdf/A%20CONF.229%202017%20NGO%20WP.17.pdf> and “Youth: A necessary stakeholder in nuclear disarmament processes” (A/AC.286/NGO/26): <http://amplifyyouth.org/wp-content/uploads/2016/05/G1609493.pdf>,

so far has not been very evident in discussions on nuclear disarmament. Now that we have reached the negotiations with a draft Convention text, it is crucially important that openness and direct engagement are made into priorities. A treaty with real world consequences to the security of all humanity should not be discussed without youth. Openness will lead to wider adherence as demonstrated by other humanitarian disarmament treaties.

Beyond the valuable contributions youth can make to the negotiations and the treaty text, there are a number of UN documents that encourage or call for youth engagement in disarmament, peace and security. The negotiations offer Member States and the United Nations an opportunity to put these words into action, namely;

- 2002, “United Nations Study on Disarmament and Non-Proliferation Education”², and
- 2015, “UN Security Council Adopts Historic Resolution on Youth, Peace and Security,”³

Youth engagement is crucial to reaching our shared goal of nuclear disarmament but even when that decades-old goal is reached, the human knowledge of how to make such inhumane weapons cannot be erased. The results of these negotiations will only be successful and sustainable if we engage youth, who are now or will one day be decision makers and government leaders. It is necessary that youth are involved, so that the world would never repeat the mistake of producing or using nuclear weapons again.

As part of our work to ensure that youth are involved meaningfully in the negotiations, the remainder of this working paper will focus on suggested elements for inclusion in a ban treaty from a youth perspective.

Suggested Elements for a Treaty Prohibiting Nuclear Weapons

As a network of young people from every region of the globe, Amplify has collected recommendations of elements for the purpose of a ban treaty. These recommendations have been formulated to reflect the elements already outlined in the Draft Convention with an additional operative paragraph on *Positive Obligations*.

The Preamble

Amplify welcomes that the humanitarian consequences of any use of nuclear weapons, including language around the long term and widespread humanitarian impacts of nuclear weapons is reflected in the Preamble. Additionally we are pleased to see that Hibakusha, as well as those who have been affected by nuclear testing, have also been acknowledged. We believe it is vital that the preamble frames the treaty and its future interpretation with a humanitarian lens. In this regard we

² UNODA, “United Nations Study on Disarmament and Non-Proliferation Education” (A/57/124, 30 August 2002):
<http://www.un.org/disarmament/HomePage/ODAPublications/DisarmamentStudySeries/PDF/SS-30.pdf>

³ For the full text of the resolution, see:
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2250\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2250(2015))

recommend that the treaty includes text that articulates the inability of the international community to respond effectively in the event of a nuclear detonation.

Amplify believes a treaty prohibiting nuclear weapons should build on the work already undertaken by the international community and therefore supports the inclusion of these legal instruments in the Preamble of the draft Convention.⁴ Additionally, Amplify recommends that the inclusion of references to UN Security Council resolution 2250, mentioned above, which inter alia, calls on States and all relevant actors, to take into account the participation and views of youth in occasions such as negotiating and implementing peace agreements.

Amplify also believes the inclusion of references to resolution 1325 on Women, Peace and Security will greatly enhance the treaty. Building on a reference to UNSC 1325, recognition of the differing impacts of nuclear weapons on women, men, girls and boys would strengthen the humanitarian basis of the Preamble and highlight the gendered nature of nuclear weapons, as already articulated by many governments, UNIDIR and civil society including Women's International League for Peace and Freedom.⁵

Since indigenous communities have been disproportionately impacted by past nuclear weapon tests, Amplify urges States to recognize the importance of indigenous rights in the Preamble to set a standard for the implementation of the treaty. On this issue Mines Action Canada has submitted a working paper highlighting the disproportionate impacts on indigenous communities.⁶

Finally, Amplify recognizes the important role that the International Committee of the Red Cross and civil society has played in the process that led to these negotiations. We believe that this could be further strengthened, by specifically including in the text the International Campaign to Abolish Nuclear Weapons.

Operational Paragraphs

Prohibitions

Amplify welcomes the comprehensive prohibitions outlined in the text to develop, produce, manufacture, otherwise acquire, possess, stockpile, transfer, use, test, assist, encourage, or induce in any way, anyone to engage in any of these activities. These provisions we believe are core to a treaty prohibiting nuclear weapons.

⁴ The Preamble recalls the existing treaty regimes including Nuclear Non-Proliferation Treaty, the Comprehensive Nuclear Test Ban Treaty and the nuclear weapons free zone treaties. This element of the treaty could be further strengthened by including the ICJ advisory opinion.

⁵ ILPI and UNIDIR, "Gender Development and Nuclear Weapons": <http://www.unidir.org/files/publications/pdfs/gender-development-and-nuclear-weapons-en-659.pdf>; WILPF, "Response to the first Draft Text of the Convention on the Prohibition of Nuclear Weapons": <http://www.reachingcriticalwill.org/images/documents/Publications/response-to-22-May-draft-text.pdf>

⁶ Mines Action Canada, "Victim Rights and Victim Assistance in a Treaty Prohibiting Nuclear Weapons: A Humanitarian Imperative" (A /CONF.229/2017/NGO/WP.14): <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/documents/NGOWP.14.pdf>

Amplify encourages that the prohibition text is extended to include the principle of threat of use. The normalizing of threats and force in international relations needs to be challenged as does the notion of deterrence. This can best be accomplished by including language that prohibits the activities that constitute threat of use- including, for example, military preparation or planning for use, assistance with material or any other form of support for use, and clearly and explicitly prohibiting use at any time, under any circumstance.

Amplify also encourages States to recognize and clearly state the understanding that prohibiting assistance means also prohibiting investment. The inclusion of financing in the text will strengthen the impact of the treaty, as it not only effectively prohibits these weapons but also extends the logic of outlawing nuclear weapons to the financial sector. It will also reinforce the impact of efforts to reduce humanitarian harm through strengthened application of global norms and international law. It stands to reason that if assistance with the production of nuclear weapons is prohibited then so too should the investment in production.

Positive Obligations

In addition to the prohibitions, the treaty should contain operational paragraphs with positive obligations. As a youth network, Amplify places a high importance on disarmament education and risk education. All States Parties to the future treaty should have an obligation to support disarmament education globally. If nuclear disarmament is to be sustainable, people everywhere must be aware of the issues. Moreover quality disarmament education can help foster action for complete disarmament, we welcome the interventions that governments such as Austria and Ireland have made on disarmament education.

Regarding risk education, Amplify believes that this is required to ensure that persons living in and near areas made dangerous by nuclear weapons or nuclear detonations have the tools they need to stay safe.

On the issue of Positive Obligations, Amplify recommends the working paper of the International Disarmament Institute, Pace University.⁷

Assistance

Amplify recognizes that victims of nuclear weapons continue to face barriers to the full realization of their human rights due to their exposure to war-time detonations or testing detonations. For that reason, we welcome the rights-based, age- and gender-sensitive victim assistance provisions in the operational paragraphs of the treaty. Ensuring that nuclear weapons victims have full enjoyment of their human rights is in line with the humanitarian basis of this treaty and will help to alleviate some of the suffering caused by past detonations.

⁷ Pace University, "Humanitarian Positive Obligations for a Nuclear Weapons Ban Treaty" (A/CONF.229/2017/NGO/WP.22): <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/05/A-CONF.229-2017-NGO-WP.22.pdf>

In order to strengthen the treaty text, victim assistance should be further elaborated by stipulating how victim assistance can be accessed. Furthermore, all States should uphold the rights of, and assist victims under their jurisdiction. Where States do not have the means to do so, they should be able to seek assistance.

National Implementation

Amplify welcomes the inclusion of the obligation for States Parties to draft national legislation and other measures for implementation. National implementation legislation will not only strengthen the treaty but it may also increase youth engagement in nuclear disarmament. Youth are active on the national level and will have more opportunity to participate in the process of passing national implementation legislation. Such legislation will also increase the implementation of the treaty's positive obligations and create clarity around how individual States interpret the treaty's provisions.

Meeting of States Parties

Amplify welcomes the proposal for the States Parties to meet regularly to review the application and implementation of the treaty, we believe that this will further boost an appetite for nuclear disarmament as well as help develop effective measures for complete nuclear disarmament.

Regarding the invitation of international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations to attend future treaty conferences, we believe that this should be expanded to *seeking the active participation* of these groups in future conferences. This should include the active participation of young people, as well as survivors and victims, women, indigenous persons and persons with disabilities from all over the world. Nuclear weapons threaten us all so it is only through including all voices can we begin to eliminate these inhumane and indiscriminate weapons. Provisions should be considered in order to facilitate "fairer" access from these often marginalized groups.

Universality

Amplify welcomes the article on universality; urging all States party to the Treaty to encourage States not party to the Treaty to ratify, accept, approve or accede the Treaty. The promotion of the norms that the Treaty establishes will be paramount to its success. The text should go further by including elements for public education and the dissemination of the treaty to the general public.

Conclusion

In conclusion, the world spends resources (human, financial and time) to build, renew and maintain nuclear weapons that could be utilized to strengthen education, economic development, and social institutions towards the 2030 Agenda. Investing in

the modernization of inhumane, indiscriminate and cruel weapons instead of in services to citizens limits opportunities for young people. In short, the maintenance and modernization of nuclear arsenals has a long-term impact on youth by diverting resources from activities that could make the future of youth better to one that poses a real and concrete threat to humanity.

Moreover, it is in recognizing the squandered resources being utilized for these weapons of mass terror and destruction that we are able to take action against this global injustice; and in doing so together we create a better future for all humanity.