

# Backsliding

*Alexander Kmentt*

*Ambassador Kmentt of Austria addressed the First Session of the Preparatory Committee for the 2025 Review Conference of the Non-Proliferation Treaty on 31 July 2023 in Vienna. He is author of The Treaty Prohibiting Nuclear Weapons: How it Was Achieved and Why it Matters (Routledge 2021). The Preparatory Committee failed to agree a factual statement of proceedings.*

... This NPT meeting takes place in extraordinary times. Russia, a permanent member of the UN Security Council and depositary state of our treaty, is waging a terrible war of aggression against Ukraine. We categorically condemn Russia's clear violations of international law and international humanitarian law. The Russian invasion of Ukraine has not only devastating effects primarily for Ukrainian civilians on the ground, it is also coupled with repeated implicit but unmistakable nuclear threats — which are in fact threats against all of us since we know that the catastrophic humanitarian consequences of nuclear weapons know no borders. This has shaken the entire nuclear disarmament and non-proliferation regime. The effects are not only felt in the NPT with now a second consecutive review conference ending without result last year, but in the entire multilateral disarmament and non-proliferation regime. This regime, which faces a plethora of challenges anyway, is now in an even more precarious state.

This is, thus, not an ordinary NPT PrepCom. We hope that it will be an opportunity for the vast majority of the international community to unequivocally reject nuclear threats, to insist on the absolute taboo against any use of nuclear weapons and to rally behind the nuclear disarmament and non-proliferation regime, including the NPT.

Austria categorically rejects and condemns any and all nuclear threats, whether explicit or implicit and irrespective of the circumstances. We hold that any use or threat of use violates international law and the Charter of the United Nations.

Austria, together with the other states parties of the Treaty on the Prohibition of Nuclear Weapons (TPNW) have taken a clear and unequivocal stance on this issue.

However, in this context, we have to be clear about something: the belief in nuclear deterrence relies on the credible threat of the actual use of nuclear weapons. As long as some states rely on nuclear deterrence, there cannot be a real or credible taboo against the use of nuclear weapons. Because nuclear deterrence is logically based on concrete plans and the intention of using these weapons of mass destruction and inflicting unthinkable suffering with potentially catastrophic global consequences. This very practice thus carries existential risks to all humanity; risks that the majority of States are no longer willing to accept. A paradigm shift is urgently needed.

Today these risks are higher than in decades, higher even than during the Cold War. The Doomsday Clock stands at an unprecedented 90 seconds to midnight. We see strident nuclear rhetoric, nuclear arsenals are modernized, upgraded and increased in most nuclear armed states and the use of nuclear weapons risks being ‘normalised’ with irresponsible talk about the ‘usability’ of nuclear weapons.

There is potential of nuclear escalation from Europe to Asia to the Middle East. Moreover, Russia has announced the stationing of nuclear weapons in Belarus, a non-nuclear weapon State, and suspended its implementation of New START. The DPRK has conducted an unprecedented number of ballistic missile launches. Proliferation pressures have strongly increased.

For years, the implementation of the NPT’s disarmament pillar had already been woeful — and now we are backsliding. Treaties that are clearly in furtherance of NPT obligations, such as New START, are in trouble or have already been abandoned. The persistent lack of political will of the remaining Annex II States required to bring the Comprehensive Test Ban Treaty (CTBT) into force is unacceptable. However, many Non-Nuclear Weapons States are doing their part – by implementing Art. VI through adopting, signing and ratifying the Treaty on the Prohibition of Nuclear Weapons, the TPNW. Austria calls on all states to join the TPNW and to engage actively and constructively with the profound arguments which it is based on. Joining the TPNW is a significant engagement and expression of support for the nuclear disarmament and non-proliferation regime and, more broadly, for multilateralism, international law and international peace and security.

We are very concerned about the threat and use of force against nuclear

facilities in Ukraine by Russia. We are grateful for the International Atomic Energy Agency's presence at the sites and underline the importance of nuclear safety and support the five principles presented by DG Grossi and their implementation. Austria has provided financial support to the IAEA's mission to promote the safe, secure and safeguarded peaceful use of nuclear energy and technology.

We will go into more detail on our position and concerns on Pillars II and III, including the Joint Comprehensive Plan Of Action [re Iran], in the respective pillar statements.

Against this background of increasingly disconcerting developments, we keep learning more and more about the unacceptable and global humanitarian and environmental consequences. These consequences are larger and more complex than previously understood and warrant urgent policy considerations. The majority of states has already put this scientific evidence at the core of their engagement in nuclear disarmament and non-proliferation. It is high time that these central considerations are fully integrated into the NPT review process.

Austria has commissioned the University of York to prepare an overview over the recent peer reviewed scientific findings on the humanitarian consequences and risks of nuclear weapons. This publication will be presented at a lunchtime Side Event on 2 August ... We invite all interested Delegates to attend this side event.

It is crucial to protect and strengthen the NPT and implement it across all three pillars. To strengthen it also means updating its working methods and bringing the Treaty into the 21st century by including Civil Society, experts, academia and communities affected by nuclear weapons use and testing, as well as full and effective participation by all genders. And it means finally making concrete progress on accountability, transparency and reporting. We will continue our strong push for concrete progress here and in any future working group process.