



**International Campaign to Abolish  
Nuclear Weapons**

2 Place de Cornavin  
1201, Genève,  
Switzerland  
+41 22 788 20 63  
icanw.org

## Stakeholder submission for the 41st session of the Universal Periodic Review

### Report on the Netherlands

The International Campaign to Abolish Nuclear Weapons (ICAN) is a campaign coalition of over 600 non-government organizations in over one hundred countries. Following the historic achievement of the adoption of the nuclear weapons ban treaty, ICAN now campaigns for all States to sign, ratify and accede to the Treaty as a matter of urgency, take measures towards the global elimination of all nuclear weapons, and provide assistance to the victims of the humanitarian and environmental impact of nuclear weapon tests in the Pacific and elsewhere.

ICAN was awarded the Nobel Peace Prize in 2017 for “its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its groundbreaking efforts to achieve a treaty-based prohibition of such weapons.”

#### National Human Rights Framework

The Treaty on the Prohibition of Nuclear Weapons has clear references to and implications for human rights law and practice. Preambular paragraph 8 reaffirms “the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law” The most relevant rights concern from a nuclear weapons attack is the right to life, other relevant rights concerns include the prohibition of inhuman and degrading treatment, the right to a home and to property, as well as rights violations resulting from nuclear weapons testing.

#### Nuclear weapons hosting state

The Netherlands is one of five members of the North Atlantic Treaty Organization (NATO) to host US nuclear weapons<sup>1</sup> on its territory as part of a nuclear-sharing agreement. The Dutch air force is assigned approximately 20 B61 nuclear bombs<sup>2</sup>, which are deployed at Volkel Air Base. New F-35 Joint Strike Fighter (JSF) aircrafts are expected to arrive at Volkel Air Base by the end of June 2022, and the nuclear bombs are expected to be replaced by B61-12 models. These modernized bombs allow for the destruction of smaller targets with more precision, thus enhancing the risk of their actual use, which would have widespread and catastrophic humanitarian consequences.

By continuing to allow the presence of these bombs, the Netherlands fails to meet its obligations under Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to protect the right

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<sup>1</sup> <https://www.tandfonline.com/doi/full/10.1080/00963402.2019.1606503>

<sup>2</sup> [https://en.wikipedia.org/wiki/B61\\_nuclear\\_bomb](https://en.wikipedia.org/wiki/B61_nuclear_bomb)



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to life of people within its territory.<sup>3</sup>

The Netherlands did participate in the negotiations of the Treaty on the Prohibition of Nuclear Weapons (TPNW) – the only NATO-member state to do so. However, it voted against its adoption.

ICAN regrets that the Netherlands has not yet signed or ratified the TPNW, citing that it considers the obligations under the TPNW to be incompatible with NATO commitments.<sup>4</sup> The Netherlands has consistently voted against an annual UN General Assembly resolution since 2018 that welcomes the adoption of the Treaty and calls upon all states to sign, ratify, or accede to it “at the earliest possible date”.

The councils of several Dutch cities, including Amsterdam, Nijmegen, Groningen and Rotterdam, have called on the Dutch government to sign and ratify the treaty. A public opinion poll conducted by YouGov in January 2021 found that 78 per cent of Dutch people believe that their government should sign the treaty,<sup>5</sup> and 68% said the Netherlands should be among the first members of the North Atlantic Treaty Organization (NATO) to join.

### Recommendations

ICAN calls upon the Netherlands to work towards the full removal of all nuclear weapons hosted on its territory.

The Netherlands should sign, ratify or accede to the TPNW as a matter of international urgency.

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<sup>3</sup> In paragraph 66 of General Comment No. 36 on the right to life, the United Nations Human Rights Committee stated:  
*The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law. States parties must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-state actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations. They must also respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control and to afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility.*

<sup>4</sup> Explanation of vote of the Netherlands on text of Nuclear Ban Treaty, 7 July 2017, available under [http://reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/statements/7July\\_Netherlands.pdf](http://reachingcriticalwill.org/images/documents/Disarmament-fora/nuclear-weapon-ban/statements/7July_Netherlands.pdf)

<sup>5</sup> International Campaign to Abolish Nuclear Weapons (ICAN), NATO Public Opinion on Nuclear Weapons, January 2021, available under [https://d3n8a8pro7vhmx.cloudfront.net/ican/pages/234/attachments/original/1611134933/ICAN\\_YouGov\\_Poll\\_2020.pdf?1611134933](https://d3n8a8pro7vhmx.cloudfront.net/ican/pages/234/attachments/original/1611134933/ICAN_YouGov_Poll_2020.pdf?1611134933)