



What the Commission Report says on:

THE NPT REVIEW CONFERENCE: A PROPOSED STATEMENT ON
DISARMAMENT

The “Thirteen Practical Steps”, adopted as part of the final document of the 2000 NPT review conference on the initiative of the New Agenda Coalition (of eight states favouring early nuclear disarmament), was an important statement of commitment of a kind which deserves to be put on the record again in 2010. The failure of the 2005 conference owed much to the unwillingness of the U.S. (supported by France publicly and Russia privately), to support its reaffirmation in any form.

In considering what it might be possible to agree upon for 2010 in the new and more positive current atmosphere, it is to be noted that a good deal of the original negotiated language negotiated still has resonance and relevance, but some of it is outdated, and the document as a whole is not as sharply-focused and accessibly ordered as it might be. In the following paragraphs the Commission, after reviewing the present text, proposes that a revised twenty-point “New International Consensus on Action for Nuclear Disarmament” be adopted.

Language worth preserving from 2000. Referring to the relevant paragraph numbers in the 2000 resolution, it will be seen that the “importance and urgency” of bringing the CTBT into force (#1) has only increased since then, as has the need for preserving the moratorium on testing in the meantime (#2). The principle of the irreversibility of nuclear disarmament and arms control and reduction measures (#5) remains a crucial basic principle, albeit not easy to enforce. The “unequivocal undertaking... to accomplish the total elimination of their nuclear arsenals” (#6) remains the starting point for the whole disarmament enterprise. The six specific disarmament steps identified for the nuclear-weapon states (#9) all

remain applicable, and should be central elements in any new statement, although some of the language could be a little sharper, and made potentially applicable to nuclear-armed states outside the NPT as well. There is still a need to bring unrequired fissile material under international verification (#10) The reference to “general and complete disarmament” as the ultimate objective (#11) looks, as always, a little Quixotic in the world as we know it, but it is clearly articulated in Article VI of the NPT, and the international aspiration remains. Reporting obligations (#12) are still appropriate, although they could be widened. And the further development of verification capabilities (#13) remains a necessity.

Modified and new language needed. In the 2000 document, the reference to the Conference on treaty negotiations (#7) is no longer applicable, with the U.S. abrogation of the ABM treaty in 2002 effectively nullifying START II. And with the Trilateral Initiative on verification (#8) running its course, different language is needed on taking this issue further. Beyond that new, as distinct from corrective, language is we think appropriate on a number of issues. In particular, it is important to start systematically focusing attention and commitment not only on long-term or ultimate disarmament objectives, and very immediate short-term ones, but also on what we describe as the medium-term objective of achieving, by 2025, a “minimization point”: as discussed elsewhere, particularly in Section 18, this is characterized by very low numbers of nuclear weapons, together with significant doctrinal changes (drastically limiting the role of nuclear weapons) and accompanying force posture changes

The full text of *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, Report of the International Commission on Nuclear Non-proliferation and Disarmament, Co-chairs Gareth Evans and Yoriko Kawaguchi (November 2009), is available at www.icnnd.org

(deployments, launch arrangements and the like making that doctrinal marginalization credible in practice). We also believe, as discussed further in Section 17, that unqualified negative security assurances – that nuclear weapons will not be used against non-nuclear-weapon state NPT members, or at least those in compliance with their NPT obligations – are important ways of demonstrating diminishing commitment to nuclear weapons, and ought to be incorporated in any new statement.

We propose that the terms of this statement be applicable where relevant to the three nuclear-armed states – India, Pakistan and Israel – which remain outside the NPT, and be capable of being embraced also by them.

The Commission is of course conscious of the strength of feeling among many NPT member states about the non-membership of these states, and the obvious desirability of universality in the treaty's membership were that at all capable of realization. But the well-known problem is that none of these states would apply to join the treaty, if at all, other than as a weapon state, and that none would be accepted other than as a non-weapon state. Given that reality, the most

immediately important objective here as elsewhere, in the interests of achieving a nuclear weapons free world, is not to be stalemated at the threshold in this way, but to ensure so far as possible that the “elephants outside the room” accept effectively the same commitments, with respect to both disarmament and non-proliferation, as NPT member states.

Process. The proposed statement would need to be taken into the negotiating process with a group of state sponsors, as was the 2000 proposal by the New Agenda Coalition, and will clearly need to have the support, among others, of the five nuclear-weapon state NPT members. The language proposed does not always read as strongly as our own recommendations elsewhere, but not every bridge has to be crossed at once. The main point of seeking its adoption is not to create at this stage any binding legal obligations on those states, or anyone else, but rather – as always with these kinds of documents – to create a normative consensus on what is the broad path to follow and the right thing for each state to do, raising the political costs for those who choose to act otherwise.

[Section 16, Paras 16.6-11, Box 16-1]

“A New International Consensus on Action for Nuclear Disarmament”

The States party to the Nuclear Non-Proliferation Review Conference in May 2010 to agree:

On the Objective: A World Free of Nuclear Weapons

1. To reaffirm the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
2. On the need for nuclear- armed States not party to the Nuclear Non-Proliferation Treaty to make a similar undertaking to accomplish ultimately the total elimination of their nuclear arsenals, and to acknowledge the universal and binding nature of the norms against testing, acquisition, and use or threat of use of nuclear weapons otherwise than for defence against nuclear attack.

On Key Building Blocks: Banning Testing and Limiting Fissile Material

3. On the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
4. On a continuing moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
5. On the need to maintain and increase support for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in further developing the treaty verification regime.
6. On the need to negotiate to an early conclusion in the Conference on Disarmament a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
7. On the need for all nuclear-weapon States, and other nuclear armed States, to declare or maintain a moratorium on the production of fissile material for weapon purposes pending the conclusion of this treaty.
8. On the need for nuclear-weapon States and other nuclear-armed States to make arrangements to place fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes.

On Specific Steps toward Nuclear Disarmament

9. On the need for nuclear-weapon States, and other nuclear-armed states, to make an early commitment to not increasing their nuclear arsenals, and take whatever steps are necessary, unilaterally, bilaterally or multilaterally, to achieve nuclear disarmament, in a way that promotes international stability and is based on the principle of undiminished security for all.
10. On the need to set as an interim objective the achievement in the medium term, as soon as possible and no later than 2025, of a world in which:
 - (a) the number of all nuclear weapons, of whatever size, role or deployed status, is reduced to a small fraction of those in existence in 2010;
 - (b) the doctrine of every State with nuclear weapons is firmly committed to no first use of them, on the basis that their sole remaining purpose is to deter the use of nuclear weapons by others; and
 - (c) the deployment and launch-alert status of those weapons is wholly consistent with that doctrine.
11. On the particular need for leadership from, and cooperation between, those nuclear-weapon States which possess the greatest numbers of nuclear weapons in agreeing early on deep reductions, and making sustained efforts to continue such reductions for all classes of weapons.

12. On the need for all the nuclear-weapon States, and other nuclear-armed States, to make further efforts to reduce their nuclear arsenals, and act early to prepare the ground – through studies, strategic dialogues with each other, and preparatory work in the Conference on Disarmament – for a multilateral disarmament process.

13. On the need for the nuclear-weapon States, and other nuclear-armed States, to accept and announce as soon as possible a diminishing role for nuclear weapons in their security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

14. On the need for the nuclear-weapon States, and other nuclear-armed States, to as soon as possible give unequivocal negative security assurances, endorsed by the UN Security Council, that they will not use nuclear weapons against non-nuclear-weapon States not determined by the Security Council to be in non-compliance with the Nuclear Non-Proliferation Treaty.

15. On the need for the nuclear-weapon States, and other nuclear armed States, to take concrete measures in relation to the operational status of nuclear weapons systems to the extent possible at each stage of the disarmament process, in particular to lengthen launch decision times and to generally reduce the risk of accident or miscalculation.

On Transparency

16. On the need for increased transparency by the nuclear-weapon States, and other nuclear-armed States, with regard to nuclear weapons capabilities, in the implementation of arms control agreements and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

On Accountability

17. To all States with significant nuclear programs making regular reports, to the relevant United Nations organs and within the framework of the strengthened review process for the Nuclear Non-Proliferation Treaty, on the implementation of their disarmament and non-proliferation obligations and programs including, in the case of nuclear-weapon States and other nuclear-armed States, on their nuclear arsenals, fissile material not required for military purposes, and delivery vehicles.

On Verification

18.. To further study and development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon free world.

On Irreversibility

19. To the principle of irreversibility applying to nuclear disarmament, non-proliferation and other related arms control and reduction measures.

On General and Complete Disarmament

20. To reaffirm that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.