

**SYMPOSIUM ON STRENGTHENING THE
NUCLEAR NONPROLIFERATION TREATY**
Christiansborg Palace, Copenhagen
November 17, 2008

On 17 November 2008, a symposium on “Strengthening the Nuclear Non-Proliferation Treaty and the International Atomic Energy Agency” took place in in one of the large halls of Christiansborg Palace, Copenhagen, the building in which the Danish Parliament hold its sessions. The program was as follows:

Chair, Dr. Jens-Christian Navarro Poulsen, Danish Pugwash Group
13.10-13.15: Welcome by Dr. John Avery, Chairman, Danish Pugwash Group.

13.15-13.45: Lecture by Dr. Hans Blix, Weapons of Mass Destruction Commission: *“Disarmament after the US Election”*

13.45-14.15: Lecture by MF Holger K. Nielsen, Danish Parliament: *“A World free of Nuclear Weapons: We are all responsible”*

14.15-14.45: Lecture by Hans M. Kristensen, Director, Nuclear Information Project, Federation of American Scientists, Washington D.C.: *“Trends in nuclear forces and doctrine”*

14.45-15.00: Discussion from the floor

15.00-15.20: Coffee Break

15.20-15.40: Lecture by Dr. Ali Asghar Soltanieh, Iranian Ambassador to the International Atomic Energy Agency: *“The constraints to strengthening the IAEA and the NPT”*

15.40-16.10: Lecture by Pol D’Hyvetter, Belgium, Coordinator, Mayors for Peace 2020 Vision Campaign: *“From the vision to a plan for a nuclear-weapon-free world by 2020”*



16.10-16.20: Lecture by Carlos Vargas, Costa Rica, Legal Consultant for Submission of the Nuclear Weapons Convention to the United Nations General Assembly: *“Nuclear disarmament and the abolition of war - the Costa Rican experience”*

16.20-16.30: Lecture by Alyn Ware, Global Coordinator, Parliamentarians for Nuclear Nonproliferation and Disarmament: *“Climbing the mountain: the political process of achieving a nuclear weapons convention”*

16.30-16.45: Discussion from the floor

Organizers: Danish National Group, Pugwash Conferences on Science and World Affairs; Danske Læger Mod Kernevåben (Danish Branch, International Physicians Against Nuclear War); Mandela Centre; SGI Denmark; Danish Peace Academy; International Network of Engineers and Scientists for Global Responsibility, Danish Institute for International Studies. Supported by the Hermod Lannung Foundation.

We hope that you will enjoy this small book, which contains most of the speeches from the symposium, as well as a few background documents.







WELCOME
by John Scales Avery, Chairman
Danish National Pugwash Group

Your excellencies, members of the Danish Parliament, ladies and gentlemen. Welcome to this symposium on “Strengthening the Nuclear Non-Proliferation Treaty and the International Atomic Energy Agency”. We are fortunate to have both an extremely distinguished list of speakers and an equally distinguished audience. Thank you all for being here.

The NPT is under stress. It needs our support, and it needs to be strengthened. The treaty was never designed to divide the world permanently into nuclear and non-nuclear states. It was designed to rid the world of nuclear weapons. But the states which possess these weapons have failed to fulfill their disarmament obligations under Article VI of the treaty. To save the treaty, they must now rapidly fulfill these obligations.

In the second half of the program today, three speakers will discuss ways of strengthening the NPT. Pol D’Hyvetter from Belgium will discuss the Hiroshima-Nagasaki Protocol, while Alyn Ware from New Zealand and Carlos Vargas from Costa Rica will discuss the Model Nuclear Weapons Convention.

The International Atomic Energy Agency also needs to be strengthened: Since light water reactors use low enriched uranium as fuel, it follows that states using such reactors must either be able to purchase low enriched uranium on the world market or else possess enrichment facilities. But if they possess enrichment facilities, for example high-speed centrifuges, these can be used to produce weapon-usable highly-enriched uranium, and it becomes impossible to distinguish between civil and military nuclear programs.

IAEA Director General Mohamed ElBaradei has called the spread of enrichment and reprocessing facilities the “Achilles heel” of the nonproliferation regime. He has proposed that the entire nuclear fuel cycle, including the production of low enriched uranium fuel rods, and the reprocessing of spent rods, be internationalized. The internationalization of reprocessing is necessary because spent fuel rods contain weapons-usable plutonium.

The title of Dr. Hans Blix's lecture, "Disarmament after the US election", points to another goal to this symposium. We want to demonstrate that there is a rapidly-growing global consensus that a nuclear-weapon-free world can and must be achieved in the very near future.

President-Elect Barack Obama has stated that he will make the goal of eliminating nuclear weapons worldwide a central element of US nuclear policy. Similarly strong statements have recently come from Prime Ministers Gordon Brown of the United Kingdom and Kevin Rudd of Australia. Last February, the Norwegian government hosted a conference devoted to developing the vision of a nuclear-weapon-free world. We hope that this vision will become more clear and strong during our symposium.

Delivered on 17 Nov 2008, Copenhagen

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As delivered

“Disarmament after the US election”

By Hans Blix

**Chairman, Weapons of Mass Destruction Commission
Pugwash symposium “Strengthening the NPT and the IAEA”**

Views expressed by Mr. Obama have raised hopes for future US foreign policies that are **favourable to disarmament** and **less militaristic and unilateralist** than those pursued by the Bush administration.

Let me begin with the past policies.

The unilateralism

The Bush administration often seemed to **worry little about the support** or understanding of other states. In many problems calling for cooperation it was ready to go it alone. For instance:

- It decided not to join the rest of the industrialized world in the **Kyoto Protocol** regarding climate change;
- It spent billions of dollars on a **missile shield** intended to minimize the risk **for the US** to be hit by intercontinental missiles; neither the EU nor even NATO was consulted before the US began talks with Poland and the Czech Republic about placing parts of the shield in these states;
- It looked with skepticism on **verification systems run for and by the international community** and preferred its own intelligence ,
- It expressed its extreme distaste for the **International Criminal Court** by **“withdrawing” the US signature** – a unique step that was unnecessary to avoid any binding effect of the signature;

The readiness to use or threaten the use of military power.

- The US National Security Strategy of 2002 made it clear that the US would be ready to take **preemptive military actions** without regard to the restrictions in the UN Charter.

-- The **war in Iraq** was launched although Iraq in 2003 was not a threat to the US or to any other country.

-- **Israel's war in Lebanon** was encouraged by the US as a means of eradicating Hezbollah even though the armed action went far beyond the legitimate retaliation for Hezbollah's incursion into Israel and hostage taking;

-- The frequent assertions in the case of **Iran** that '**all options are on the table**' have amounted to an almost permanent threat to use military force ;

-- Recently a US order was revealed authorizing the use of armed force to **strike Al Qaeda** wherever it was identified and without permission of the state on whose territory the attack would be carried out.

The negative attitude to arms control and disarmament

-- In 2002 the US withdrew from the bilateral **US-Russian ABM treaty** of 1991 to be free to develop a **missile shield** that was seen by Russia and China as a potential future way of allowing the **US to strike** any point on the earth without being deterred by the risk of a counterstrike; the termination of the ABM treaty, led to the unraveling of the START II and of the plans for a START III.

--In 2002 the bilateral US-Russia **Moscow Treaty** was concluded on reductions in the deployment of strategic missiles. Having preferred non-binding declarations the US **reluctantly** agreed with Russia to put the text in **treaty form**. However, the treaty involves no commitment to destroy any warheads and provides no mechanism for verification;

-- In 2002 the US almost single handed stopped year long efforts to add a **verification protocol to the Biological Weapons Convention**;

-- In 2004 the US presented a draft of a treaty for a **cut off of production of fissile material for weapons**, but the draft lacked the **verification mechanism** that had earlier been considered essential to make the treaty meaningful and on which there had earlier been a broad international agreement;

-- The US has spent billions developing a **space war capability** while declining to include the item in international disarmament talks;

-- At the **NPT** review conference **in 2005** the US saw the non-fulfillment of the treaty by several states and the risk of **terrorists** acquiring nuclear weapons as key problems but **rejected criticism** that the nuclear weapon states parties had failed in their **duty under Article VI** of the treaty to negotiate toward disarmament.

Positions modified by the second Bush administration

I should note that some significant moves to **more conciliatory positions** have taken place in the **second Bush administration**.

-- **DPRK**. In 2002 the **US stopped implementing** the Agreed Framework that had been reached under the Clinton administration, claiming that the DPRK had embarked upon a program of enrichment of uranium. The DPRK denied the claim and **withdrew from the NPT**, resumed reprocessing and – later – exploded a nuclear device.

The **second Bush administration** reverted to a policy of negotiation and the **6-power talks** in Beijing became the main tool to induce North Korea to abandon its nuclear program. Although hotly opposed by some in the Bush administration **carrots** rather than sticks have come to be used and China, Russia, Japan and South Korea have proved to be of great help.

-- **IRAN**. While largely continuing its refusal to take part in the contacts that the UK, France and Germany have had with Iran, the **second Bush** administration, has declared its **support for measures** that the European states have described to Iran as potential rewards for ending its program for the enrichment of uranium.

-- **START I**. This treaty between the US and Russia will expire at the end of 2009 if not prolonged before that date. It contains the basic obligations of the two countries regarding verification and inspection and talks now seem to take place in Geneva. .

Possible change by Obama in US arms control & disarmament policies

Let me now turn to discuss the outlook for international arms control and disarmament with Mr. Obama at the helm of the US. A large part of US public opinion is tired of war and credits Mr. Obama for opposing the war in Iraq before it was launched. It may also feel it is time to trim the US military budget of some 700 billion dollars or as much as the military spending of all other countries together.

Mr. Obama has been remarkably positive about disarmament – affirming that “**America seeks a world with no nuclear weapons.**” At the same time he seeks broad political agreement and he will need to pay attention to mainstream America that **wants the US to retain militarily supremacy**. Not surprisingly Mr. Obama is on record as **not** accepting **unilateral US disarmament**.

The scope for future disarmament is influenced not only by US public opinion but also by whatever **readiness Russia, China, India** and others may have to go along. Valuable agreements could conceivably be made in the near cold war atmosphere that we currently experience. However, getting Russia and China to join on a significant disarmament agenda will most likely **call for some adjustments** of policies that have been pursued by the Bush administration.

I have in mind, **first**, the policy of seeking to further **expand NATO** to Ukraine, Georgia and possibly central Asian states. Mr. McCain was of the view that NATO should be open

to all democratic states that wanted to join and Senator Lugar has pointed specifically to Azerbaijan and Kazakhstan. **After the war in Georgia** the reluctance of several members of the alliance to go along with an expansion that stretches it far beyond its original geographic scope and that is perceived by Russia as a policy of encirclement, **may have further stiffened**. If so, and as the admission of new members require a consensus, perhaps a **shelving of the issue** could occur without the need for an overt change in what has been US policy under the Bush administration.

I have in mind, **secondly**, the deployment of parts of the **US missile shield** in Poland and the Czech Republic. Although the Russian Government does **not** fear that such deployment would affect their current **second strike capability** it may feel **concern** that future developments may have such aim. In any case both the Russian government and Russian public opinion clearly **see** these planned installations on their doorsteps as provocative **military body language** by the Western superpower. **Again**, perhaps there could be a solution that does not call for an American political U-turn: Mr. Obama has only voiced support for the deployment of a US missile system “when the **technology** is proved to be **workable**.” This is not yet the case and many doubt that it will ever be the case.

I have in mind, **thirdly**, an adjustment that might reduce potential tensions with China and improve the chance that **China will join new disarmament efforts**. As you know, the Bush administration recently concluded an agreement on **nuclear cooperation with India**. The political **aim** that was not concealed was to tie India more closely to the US and try to fit India into a chain of countries, including Australia and Japan that could be a counterweight to China. The agreement was widely **criticized** from the viewpoint of non-proliferation. The **aim of the NPT** was to gain the **adherence of all states** that did not have nuclear weapons in 1968. That aim was abandoned with the US-India agreement.

A more **specific objection** was that enabling India to import uranium fuel for its nuclear power reactors would **allow India to enrich** its limited indigenous uranium to high levels and make more nuclear weapons. Even if India was, in fact, not doing so, Pakistan and China might suspect this and might, as a precaution, do the same. A nuclear armament race could result.

A way out, as noted in the report of the Weapons of Mass Destruction Commission, could lie in the conclusion of the long delayed **verified agreement prohibiting the production of enriched uranium and plutonium for weapons purposes** – the FMCT. A non-verified agreement, such as a draft circulated in Geneva by the Bush administration, would not create the necessary confidence, nor would a moratorium..

It has been assumed that a cut-off agreement would **not cause great difficulties for the five NPT nuclear weapon states**, as they have more weapons grade material than they need. Enrichment and reprocessing plants in the UK and France are already subject to verification through Euratom. **Through a universal cut-off agreement all US, Russian**

and Chinese plants would also be subjected to verification. It might be useful that also the biggest states get accustomed to intrusive verification.

Strengthening the NPT.

The NPT has the double aim of **preventing a further spread** of nuclear weapons beyond the five NWS of 1968 and of bringing about **negotiations** leading to nuclear and general **disarmament**.

On the whole the **first aim of the treaty** has seen **much success**. Practically all states that were without nuclear weapons in 1968 have remained NNW states. US-Russian cooperation successfully averted the risk that **Belarus, Kazakhstan and Ukraine** become NWS. **South Africa** chose to eliminate its own nuclear weapons. **Iraq and Libya** violated the treaty but were made to walk back.

The treaty failed to get the adherence of **India, Pakistan and Israel** and there is scant expectation that any one of these states would renounce nuclear weapons in isolation. **Iran and North Korea** are acute problems. Beyond these states there is concern that **non-state actors** might seek to acquire nuclear weapons and that a big **expansion of nuclear power** could carry risks in the construction of more **fuel cycle facilities** and greater trade in enriched uranium and plutonium.

The **other aim** of the NPT – to bring about negotiations **leading to nuclear disarmament** – has not been successfully pursued. After the end of the Cold War NNWS have not been content just to see a mainly economy driven reduction of excessive stockpiles. They have become **increasingly impatient** and see a risk that a **perpetuation** and **modernization** of nuclear weapons in some states **and doctrines** allowing a freer use of the weapons could one day lead some states to **reconsider** their nuclear weapon free status.

The now famous quartet of **US foreign policy veterans**, George Shultz, Henry Kissinger, William Perry and Sam Nunn has come to share these fears. They do not regret the strong nuclear deterrent they helped to maintain during the Cold War but they find it useless and dangerous after the end of that war. They make the powerful plea that the US should take the **initiative** to an **elimination of nuclear weapons**, reaching out to Russia and other nuclear weapon states and negotiating a large number of agreements aiming at arms control, disarmament and reducing the risk of proliferation.

While some in the US – and elsewhere – shake their heads, the plea has received a remarkably **strong response**. **Mr. Obama** has fully endorsed the proposals and even **Mr McCain** has declared that the US “should lead a global effort at nuclear disarmament.” While, as I have developed, I think renewed détente is needed for success, I do not think an ending of the wars in **Iraq and Afghanistan**, desirable as it is, is a precondition for starting on the path to disarmament

The disarmament agenda

Nothing could send a stronger signal that the disarmament agenda is again on the table than the **entry into force of the Comprehensive Test Ban Treaty**. A US ratification would be needed and it would go a long way to trigger other necessary ratification, including that of China. **Mr Obama** is committed to seek US ratification and **Mr McCain**, who once joined in rejecting the treaty in the US Senate, has declared that he was at least open to reconsider the matter. Even **Mr Gates**, who is the Secretary of Defense in the Bush administration that opposes ratification, has declared himself in support of ratification – provided, however, that it be coupled with approval for the design of a new US nuclear weapon – that would require no testing. As ratification in the US requires a two thirds majority in the Senate bipartisan support will be needed.

If the political climate were to improve, it should be possible to replace the **Moscow Treaty of 2002** with an agreement on much deeper cuts in US and Russian nuclear arsenals.

The proposal for a **withdrawal NATO nuclear weapons** from Europe and Russian nuclear weapons deeper into Russia was endorsed by Mr McCain during the election campaign. The continued deployment of these weapons where they are is a hangover from the Cold War. Ending it would contribute to renew détente.

It has long been urged that the NWS should discontinue the practice of keeping nuclear warheads on high or, as it is mostly called, **hair trigger alert**. It would further reduce the risk that any weapon would be released by error or mistake.

Strengthening non-proliferation

Progress on **arms control and disarmament**, the aim of article 6 of the NPT, **will strengthen** the support for the NPT and reduce the risks of future **defections** from it. However, much will also be asked to **reinforce non-proliferation more directly**. Some measures should be **relatively easy**.

The 2010 NPT review conference should be able to push for the acceptance by all of the **Additional Protocol** of the IAEA. Even the most intrusive inspection system will not guarantee that no relevant items exist but extensive inspection rights will do much to increase the Agency's ability to detect violations and read signs of irregularities. I see no reason why the **Nuclear Suppliers Group** should not require acceptance of the Additional Protocol as a requirement for sales of nuclear equipment and material.

It should not be difficult to continue the rather successful efforts spearheaded by the US to **move sensitive fissile material to safe storage** and to establish **better controls** of stores and transports to **minimize** the risk of **trafficking** in nuclear materials.

Much more difficult will be to reach common attitudes to **fuel cycle activities**. The NPT allows states both to **enrich uranium** and to **reprocess** spent fuel and produce

plutonium. Amendments that seek to introduce restrictions in these rights will hardly be accepted. Non-nuclear weapon **will not** renounce their right to build fuel cycle facilities and allow some other states parties to have both such facilities and nuclear weapons. They would like to reduce rather than widen the gap between the nuclear haves and have-nots.

To discourage a proliferation of fuel cycle activities it would probably be wiser to **build on the economic interests** of states. New reprocessing plants will have no economic sense for quite some time and for states with only a few nuclear power reactors there is also no economy in building enrichment facilities. Sweden has ten nuclear power reactors and finds it most **economic to** importing enriched uranium. Finland, Switzerland and many other countries reason the same way. If all states could be confident about the possibility of importing enriched uranium many would most likely abstain from building plants of their own.

Conversely, uncertainty about the **assurance of supply through** the international market could persuade states to start indigenous enrichment even though it would not be economically optimal. To avoid such incentives it would be rational to create **mechanisms for the assurance of supply** for nuclear fuel. Where a state embarks on a program for the indigenous production of enriched uranium despite the existence of supply assurances and against its own economic interest the international community would naturally have reason to be curious and perhaps embark on measures of dissuasion.

I should like to conclude with some comments on the specific cases of **North Korea and Iran**. The public discussion of these cases often focuses on sanctions and threats. Such measures can be effective, but I think a search for effective means should begin by asking **why a particular state might feel a need for nuclear weapon**. After the armed conflict between China and India there was probably little chance to dissuade India from developing nuclear weapons and once India had done so there was little chance of dissuading Pakistan from going the same way. All that the outside world could do was to make the path somewhat more difficult.

What gives me some optimism about the cases of the DPRK and IRAN is that there do not seem to be compelling security reasons for them to go for nuclear weapons. North Korea may have felt and still feel ostracized and in need of nuclear weapons against a perceived military threat. It would then hardly seem rational to strengthen these feelings by increasing isolation and threats. The **path that has been chosen since a few years and that may be wiser**, is offering assurances that **in return for a dismantling** of the nuclear program the country will be given **guarantees against armed attacks and** offered diplomatic relations with the US and Japan.

DPRK does not, of course, fail to use the leverage it has and squeeze out maximum assistance, fuel oil, rice etc. The equation ought to be soluble but there is likely to be a **weakness** in the area of **verification**. There will be no guarantee against the concealment of some limited quantity of plutonium, only a fair assurance about the **absence of facilities** to produce more plutonium.

Iran denies that it has any intention to develop nuclear weapons. However, for Iran to prove the absence of intentions may be as difficult as it is for the IAEA to prove the absence of any prohibited nuclear items. There are some reasons to be suspicious. Why create an expensive indigenous enrichment capacity when there is little indigenous uranium in the ground and few power reactors needing fuel in the foreseeable time?

It does not seem improbable that Iran – like once Pakistan – may have felt a compelling need to develop nuclear weapons. I have in mind **the 1980s**, when Iran was engaged in a horrible **war with a Iraq**. Like Israel, Iran may have rightly suspected that Iraq was working to create a capability to enrich uranium and build nuclear weapons. However, **the Iraqi threat no longer exists**. Recent threats may have been perceived from **US air craft carriers** and possible US activities to engineer **regime change** – as it did in 1953. Iran may also have felt somewhat ostracized, nominated by the Bush Administration as a member of the ‘Axis of Evil’. After the revolution it also experienced difficulty in buying uranium fuel on the international market.

Development of an industrial scale capability in Iran to enrich uranium would dangerously increase tensions in the whole Middle East and **efforts are rightly made to dissuade Iran**. These efforts have sensibly comprised offers of better **trade and investment** relations, support for Iranian membership in the **WTO** and support for the Iranian **nuclear power program**. I am more skeptical, about demanding that Iran **must suspend** enrichment **before** the big powers are willing to sit down to talk with it. Who gives away the most important card before the game begins?

I am also asking myself whether in the circumstances that I have described it would not be worth **trying to persuade Iran** to renounce enrichment by **offering** in return, apart from guarantees of assurance of supply of nuclear fuel for power reactors **first**, guarantees against armed attacks and against activities to bring about regime change;

second, diplomatic relations.

Such offers could only be made by the US, as other states have diplomatic relations with Iran and do not pose any military threat to the country. As such offers are made in the case of the DPRK it is hard to understand why they could not be made vis-à-vis Iran.

There is no certainty that **direct negotiations** and offers of the kind I have mentioned would persuade Iran to renounce enrichment that it rightly says is permitted under the NPT as part of peaceful nuclear power programs. Iran has made proposals for a much broader agenda. Such an agenda might include the question of commitments not to support intervention and terrorist activities, and the idea of a zone – including Iran and Israel -- free of nuclear fuel cycle activities. If negotiations about peace and security in the Middle East were soon to move forward – a big if – even the idea of zone – again comprising both Iran and Israel – free of nuclear fuel cycle activities as well as nuclear and other weapons of mass destruction could be discussed.



A World free of Nuclear Weapons: We are all responsible.

Speech by Holger K. Nielsen, Member of the Danish Parliament

At the Pugwash Conference on Nuclear Disarmament and Non-Proliferation in Copenhagen on November 17th. 2008

I am honoured to address this conference about nuclear disarmament. I think that Pugwash plays an extremely important role in fighting nuclear weapons and I hope that the organizing of Parliamentarians for Nuclear Non-Proliferation and Disarmament will influence governments all over the world. This organizing is an important step in political globalization. Economic globalization have many positive effect – although also negative as we have experienced during the economic crisis. But it is crucial, that it also obtains a political dimension. In other words: that politicians on a global scale cooperate on issues, that in their substance are global.

There is a strong need of a global vision for a world without nuclear weapons. The nuclear issue has been put into the background in the political debate in many countries – including my own. Other issue are regarded more important. The wars in Iraq and Afghanistan. The horrible development in Congo. Fighting terrorism. The climate change and environmental crisis. The food crisis. To mention some events, that face us every day – and which we must take account on in a serious and responsible way.

But nonetheless it is a fact, that – despite a disarmament process after the years of the cold war – there are still nuclear weapons enough to destroy the whole human civilization. During the cold war we survived on a knife-edge. Today we know that we were closer to a nuclear war than we like to think of. Fortunately it did not happen.

But also today there can be accidents and miscalculation, that can generate disaster. And the danger has increased because of a more unstable and unpredictable global order. The proliferation of nuclear weapons to failed states and non-state actors creates a new pattern of instability, that we have do deal with in a serious way.

NATO is engaged in a war in Afghanistan. Denmark is very active in this war and several Danish soldiers have been killed. It is said by our government, that this war is important because of our own security. This argument can be questioned, but anyway the government – and others - should have in mind, that the situation in the neighbouring state, Pakistan is much more dangerous for our security – and the security of the world. A fragile state, that risks to break down, combined with the possession of nuclear weapons is a cocktail, that should alarm the global society.

It gave some surprise, when the Wall Street Journal last year published an article, which pledges for a world free of nuclear weapons. The authors of the article were not less surprising. It was written by George Schulz, Henry Kissinger, William Perry and Sam Nunn – all veterans in US-foreign policy during the cold war. Their arguments were quite simple: there is no longer any need of nuclear deterrence and the proliferation of nuclear weapons to non-reliable states and terrorists makes it difficult – if not impossible - to create a regime where the disposal of nuclear weapons can be controlled.

There might be some hypocrisy in their article. So to say: nuclear weapons are regarded ok when they are disposed by the “good guys” and a huge problem if they are in the hands of the “bad guys”.

It is here important to stress, that it is meaningless to diversify between “good” and “bad” nuclear weapons. All nuclear weapons are bad in the sense that - despite good intentions - accidents and miscalculations can have disastrous consequences. But of course this risk increases when nuclear weapons are possessed by actors, with whom you cannot negotiate. Therefore we have to be serious about these new challenges and recognize the article of the four veterans of the cold war as a positive contribution to new possibilities.. Here are people who were close to the disastrous scenarios during the cold war saying: get a vision. A vision of a world free of nuclear weapons and develop a strategy of how to achieve this vision.

It is a main problem that the arms-control and anti-proliferation regime has been undermined during the last years.

It was a big mistake when the US-government terminated the ABM-treaty. It is extremely bad that the Test Ban Treaty is still not working. It is a huge problem that the NPT-treaty is in a bad condition. There are several reasons for that.

According to the NPT-treaty, countries that did not possess nuclear weapons in 1967 are obliged not to develop such weapons. But as the case in Iran and North Korea indicates there is a serious doubt about this regime.

But there was also an obligation for the – at that time – existing nuclear powers that they should remove nuclear weapons over time. This has not happened. So there is a serious responsibility – in particular for The Unites States and Russia – to get the NPT-regime on the road again.

With regard to non-proliferation – to be honest - the nuclear agreement between US and India was not helpful. India has not signed the NPT-treaty and the nuclear armament in the region is extremely dangerous. There are not guarantees, that supply of nuclear materials from the Unites States cannot be used for non-civilian purposes. Agreements like this should not be made with non-NPT-countries.

This agreement points to a basic problem about controlling that nuclear materials for civilian use are not turned into military purposes. According to the NPT-treaty it is possible to develop nuclear materials for civilian use- although the same material can be used for military purposes. This system requires a workable system of control, but as the dispute with Iran shows, this is very difficult. The answer of this is an internationalization of access to civilian nuclear technology as proposed by the IAEA General Director Mohamed El-Baradei. Our friends in Norway support an international fuel-reserve under the control of IAEA as a step in this direction. I will take this question up in the Danish Parliament.

It is extremely important that the revision of the NPT-treaty in 2010 becomes a political issue in all parliaments. The big nuclear-states have a particular responsibility to lead the NPT-regime in the right direction. But it will be irresponsible if the non-nuclear states pass over the initiative to the nuclear states. We must take an active position.

Unfortunately the Danish government is very passive to nuclear disarmament and non-proliferation. This in sharp contrast to the Norwegian government, which has played a very active and positive role in efforts to create international solutions and an international debate on these issues.

I agree with the Norwegian foreign minister, Jonas Gahr Støre, when he said the following in Geneva on March 4th this year: *“Perhaps new generations of political leadership gradually lost the focus on nuclear weapons and the threat of proliferation after the cold war. Perhaps issues such as the fight against poverty, climate change, global health and other key issues of globalisation have taken prominence. Perhaps we have lacked the imagination to frame the broad and shared security challenge that we all face in the presence of vast arsenals of nuclear weapons: the threat of proliferation and the risk of nuclear technology and material falling in the hands of criminals and terrorists”*.

Nuclear disarmament and non-proliferation should be put on the European agenda. As a member of the European Union Denmark should – together with Great Britain and other countries – propose a common European Strategy on the vision of a nuclear-weapon-free world. And in this context agree on common EU-positions to the revision of the NPT-treaty in 2010.

There are great expectations to the new US-administration. We hope – and believe – that after 8 years with unilateralism, disrespect of the United Nations, disastrous wars we will see a new line in American foreign policy. But despite optimism we must also be realistic. So there is still a need of a strong European voice in global politics.

A specific area for Danish foreign-policy is the security- situation in the arctic area. Because of climate-change and the melting of ice there will be a heavy increase in ship-traffic through the North-West-Passage and the North-East-Passage. Natural resources in this area will be available and create a new base for conflicts. Russia is very active in pursuing its interests. The United States have military interests through the airbase in Thule in Greenland. There will be heavy discussions on the border-lines.

Tensions always get more dangerous when the involving partners possess nuclear weapons. And the Arctic has all preconditions to become a high-tension area. Therefore the Danish government should take an initiative to a treaty, where Arctic is declared a nuclear-weapon-free zone.

Nuclear-weapon-free zones is an instrument used in other parts of the world. Let me mention Latin-America as the most impressive example. But also the treaty on Antarctica from 1959 contains a paragraph on this area as nuclear-weapon-free zone. All countries around Arctic must be responsible in this regard.

In 2007 the former British foreign minister, Margaret Beckett said the following: *“What we need is both vision – a scenario for a world free of nuclear weapons – and action – progressive steps to reduce warhead numbers and to limit the role of nuclear weapons in security policy. These two strands are separate but they are mutually reinforcing. Both are necessary”*.

This vision is a responsibility not only for foreign ministers but for all of us.





Trends in Nuclear Forces and Doctrine

Presentation To:

Symposium on Strengthening the Nuclear Nonproliferation Treaty

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Overview

- Status of Nuclear Force: What has Changed?
- The Situation in Europe
- Modernizations and New Forces
- Doctrine, Mission, and Strategy
- The Obama Administration: What to Expect?

Note: data and images used in this briefing are from publications available at

* FAS Nuclear Information Project (<http://www.fas.org/programs/ssp/nukes/index.html>)

* FAS Strategic Security Blog (<http://www.fas.org/blog/ssp/>)

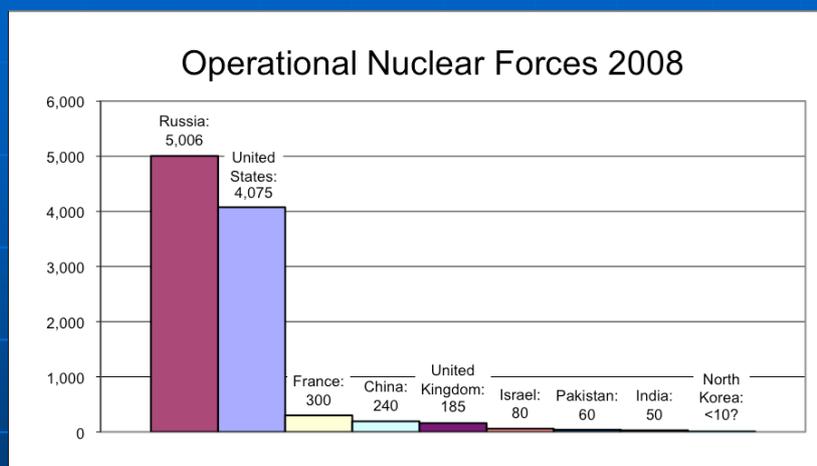
* FAS/NRDC Nuclear Notebook, *Bulletin of the Atomic Scientists* (<http://tinyurl.com/4jdzw2>)

Status of Nuclear Forces

What has Changed?

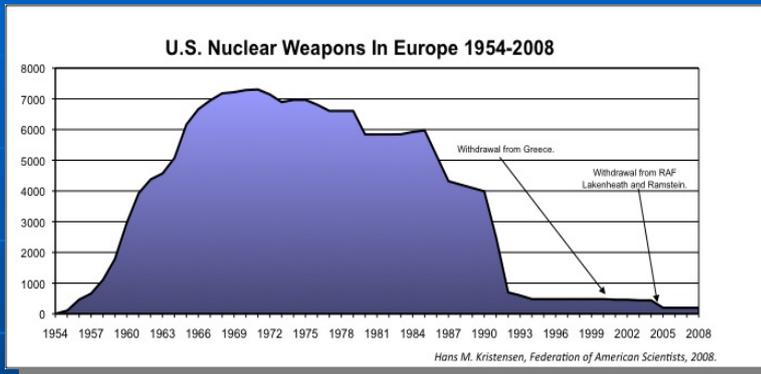
- Large numerical cuts, elimination or reduction of non-strategic weapons, withdrawal from many forward locations, but...
- All NWS say nuclear weapons are essential for national security
- All NWS signal intention to have nuclear weapons indefinitely; elimination remains lofty and very long-term goal
- All NWS have nuclear weapon modernizations underway
- All NWS are producing nuclear warheads
- Russian and United States maintain Cold War structure of Triad with about 2,000 warheads on high alert
- China is building Triad; only NPT NWS increasing size
- France and UK cut legs to Dyad and Monad, respectively
- India/Pakistan building Triads; naval leg still developing
- North Korea probably only have bombs, if at all

Status of Nuclear Forces



- Nearly 10,000 operational nuclear weapons
- Total stockpiles nearly 25,000, if including reserves and those awaiting disassembly
- More than 90% are Russian and US
- The “greatest threat” has less than 10, if that

Non-Strategic Nuclear Weapons in Europe



- Reduced 90% since Cold War
- Some 200 US nuclear bombs at six bases in five countries
- Withdrawn from Greece in 2001
- Withdrawn from Ramstein and Lakenheath in 2005-2006

- Russia has an estimated 5,300 NSNW
- 2,000 are thought to be deployed
- About 650 of these may be air-delivered, perhaps half west of Ural

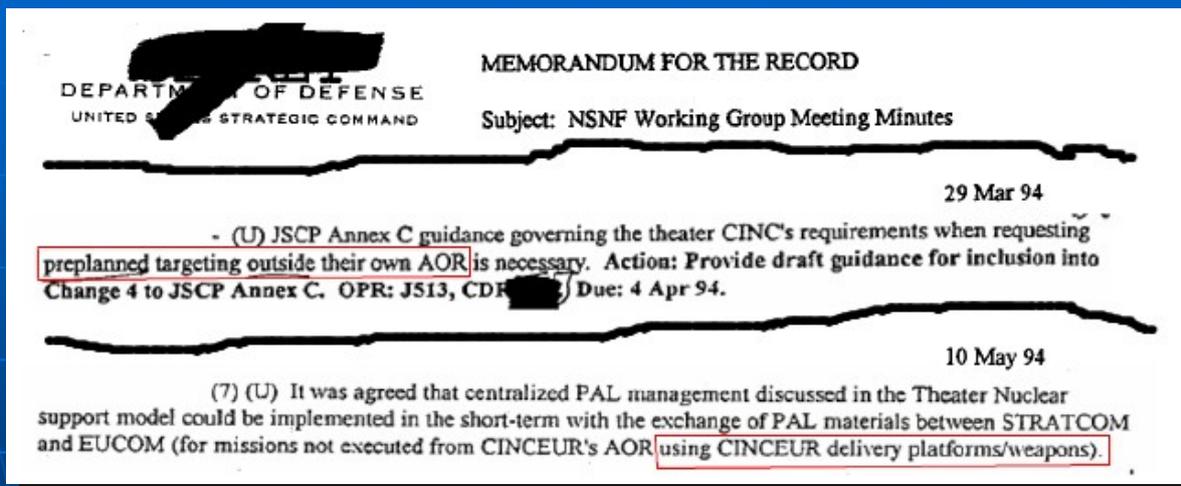
Non-Strategic Nuclear Weapons in Europe



- Four non-nuclear NATO countries have nuclear strike mission: Belgium, Germany, Holland, Italy
- US weapons would be handed over in war time, creating NWS
- Arrangement from Cold War
- Incompatible with nonproliferation



Non-Strategic Nuclear Weapons in Europe



- Mission creep outside NATO
- Arrangements made in 1990s for us of European “platforms/weapons” outside NATO’s area of responsibility

Modernization and New Forces

United States:

- New bomber design study underway
- New SSBN design study underway
- New ICBM design study completed
- Production of nuclear-capable JSF (F-35)
- Minuteman III ICBM near completion of upgrade, extended through 2030
- Trident II SLBM introduction in Pacific almost complete
- W76-1/Mk4A production 2008-2021
- W88 production underway
- Study of Reliable Replacement Warhead
- New warhead factory proposed
- Hydrodynamic testing series
- Strategic War Planning System (ISPAN) modernization
- AEHF satellite system to replace MILSTAR



Modernization and New Forces

Russia:

- New SSBN entering service with new SLBM
- New MIRV ICBM (RS-24) to enter service in 2009
- New air-launched cruise missile entering service
- Deployment of silo/mobile Topol-M underway
- Production of Tu-160 bomber resumed
- Warhead production ongoing
- Hydrodynamic testing series



Topol-M on Red Square 2008



Borei SSBN in Severodvinsk 2006 and 2008

Modernization and New Forces

China:

- 3-5 new SSBNs entering service
- 2008 deployment to Hainan (right)
- Hainan Island base with tunnel and demagnetization
- New SLBM (JL-2)
- Two new ICBMs entering service (DF-31 and DF-31A)
- Nuclear-capable cruise missile (DH-10) entering service
- Production of DF-21 continues
- Warhead production probably ongoing



Tunnel

Demagnetization

Hainan Island Naval Base

Modernization and New Forces

France:

- New SSBN class (Triomphant)
- New SLBM (M51)
- New cruise missile (ASMP-A)
- New strike aircraft (Rafale)
- Warhead production
- Hydrodynamic/laser testing



Terrible 2008



Rafale with ASMP-A

United Kingdom:

- New SSBN class
- Life-extended/modernized SLBM
- New/modernized warhead decision
- Hydrodynamic testing (in the US) and laser



Vanguard D5 launch 2005

Doctrine, Mission, and Strategy

- **United States:** SIOP replaced with OPLAN 8010; Russia no longer “immediate contingency” but still largest target base; increased targeting of China; majority of SSBNs deployed in Pacific; targeting policy broadened to include all WMD facilities; executable nuclear strike options against “rogue” states now part of OPLAN 8010; new Global Strike mission with preemptive focus
- **Russia:** Nuclear funding decline said to be over; large-scale exercises resumed; US not considered enemy but deep suspicion; nuclear resurgent and “chest-thumping;” no-first-use policy reversed; policy includes preemption; non-strategic weapons compensating for conventional insufficiency; threats against missile defense
- **France:** Increased attention to regional states; adjustment of force loading
- **China:** Modernization has triggered speculations about more dynamic doctrine; no-first-use officially intact but increasingly dubious
- **United Kingdom:** “Sub-strategic” mission; targeting data opened up for eastern Russia

The Obama Administration



Stated goals:

- Reinstates nuclear disarmament as official goal for U.S. policy but sees “long road” ahead
- Reaffirm commitments to and strengthen of NPT
- Ratify CTBT (new Senate support possible)
- Extension of START beyond 2009
- Implement SORT numbers now and follow-up treaty (“dramatic reductions”)
- Seek de-alerting forces (negotiated)
- No production of “new” nuclear weapons
- Seek “ban on production of new nuclear weapons material” (negotiated)
- Make INF-Treaty global (negotiated)
- Missile defense scaled-down; not priority

Possible measures:

- Reconstitute “13 practical steps” (or some) from 2000 NPT Review Conference
- Withdrawal of nuclear weapons from Europe (depends on Europe)
- Relaxation of preemption doctrine and regional nuclear deterrence
- Reexamine WMD (vs. nuclear) deterrence

The Obama Administration



The other pledge to “maintain a strong nuclear deterrent as long as nuclear weapons exist” probably means:

- Retain nuclear forces “second to none”
- Continue modernization of nuclear forces (Triad or Diad)
- Continue broad doctrine against all nuclear weapon states including regional states
- Build life-extension warheads
- Build replacement warheads when needed as long as not “new”

The bottom line:

- Undo Bush administration’s nuclear policies
- Reaffirmation of main parts of Clinton policy
- Restore arms control and multilateralism in U.S. policy





**SYMPOSIUM ON STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY, 17
November, 2008**

FÆLLESSALEN, CHRISTIANSBORG PALACE, 1240 COPENHAGEN K

“From the vision to a plan for a nuclear weapon free world by 2020”

By Pol DHuyvetter
Executive Advisor Hiroshima Peace Culture Foundation
Director International secretariat Mayors for Peace 2020 Vision Campaign, Ypres, Belgium

Copenhagen, November 17th 2008

Dear friends,
first of all we wish to thank the Pugwash Conference and other organizers of this very timely Symposium on Strengthening the NPT in Christiansborg Palace here in Copenhagen. I feel both honored and humbled to find myself here with such distinguished speakers and audience. We are assembled here today to discuss one of the main global threats to human survival: the existence and proliferation of nuclear weapons.

Nuclear weapons are indeed unique among weapons of mass destruction. In Hiroshima in 1945 an estimated 140,000 human beings died. According to Hans Kristensen from the Federation of the American Scientists today's there are an estimated 25000 nuclear warheads which have a total yield of almost half a million (500.000) times the 15 kiloton Hiroshima bomb. 454,800 x Hiroshima? It is difficult to grasp this number. Can you picture our planet earth with a suicide belt on?

It is good to find myself in the second part of this symposium as I entitled my presentation “From the vision towards a plan for a nuclear weapon free world by 2020”.

I am the Director of the international secretariat of Mayors for Peace 2020 Vision campaign based in Ypres, Belgium. I am as well an Executive Advisor of the Hiroshima Peace Culture Foundation in Japan. Today Mayors for Peace counts 2,468 member cities in 133 countries and regions. The encouraging news is that in the first 10 months of 2008 already 448 new cities joined our network, with new members joining every day. If you are good in calculation you will realize we have on average more than one (1) city joining us every single day. We are happy to count Copenhagen as a new member city of Mayors for Peace.

As a representative of Mayors for Peace I am truly delighted that all of you have assembled here today to discuss nuclear disarmament and non-proliferation.

Let me start by saying that last week I had the honor to travel with Dr. Tadatoshi Akiba, the Mayor of Hiroshima and President of Mayors for Peace. We had a six day tour where we met Mayors and members of parliament in the capitals of Luxembourg, Belgium and Germany. In Belgium we also met the Prime Minister, Mr. Yves Leterme.

The purpose of our tour was to promote the “Hiroshima-Nagasaki Protocol”, a Protocol

complementary to the NPT. Mayors for Peace launched this Protocol during the NPT PrepCom in Geneva last April 30 2008.

The Protocol has two articles. Article I calls for a “clampdown” on all weapon-usable fissile materials – be they in weapons, reactors, or stocks – accompanied by a cessation of nuclear weapons acquisition and of all planning for the use of nuclear weapons. Article II calls for establishment of a negotiating forum, open to all states, with the sole purpose of developing a Nuclear Weapons Convention or Framework Agreement resulting in achievement of nuclear disarmament in all its aspects by the year 2020.

The first part of the Protocol allows the nuclear-armed states to show their good faith toward a successful outcome of the nuclear disarmament negotiations by no longer exploiting the privileges accorded them under the NPT. In particular, nuclear weapons acquisition and nuclear threat postures – activities that could undermine the objectives of the negotiations – are to cease forthwith, and there is to be a global clampdown on nuclear weapons and weapon-usable fissile materials, thereby alleviating the risk of nuclear accident or theft. By renouncing these activities, the nuclear-weapon states will be unequivocally demonstrating that they are readying themselves to live in equality with the rest of the international community.

The Nuclear Weapon Convention or Framework Agreement negotiations are to begin immediately upon acceptance of the Protocol and continue uninterrupted until the agreement is reached. The Protocol envisions two main sections to the agreement which would be advanced concurrently. The first specifies the mandate for negotiations on legally codifying the various steps taken in the clampdown and provides for their international control. The Protocol calls for all measures relating to this first section to be implemented by 2015. The second section addresses the vast nuclear arsenals accumulated prior to the NPT and – even more so – since the Treaty’s entry into force in 1970. A Framework Agreement would specify the mandates for negotiations on the essential measures to eliminate nuclear weapons and associated infrastructure by 2020 and to usher in a sustainable nuclear-weapon-free world. A Nuclear Weapons Convention, if that proved to be the preferred line of work, would contain all the above in a single comprehensive agreement.

The few States that have not signed the NPT are welcomed and expected to participate fully in this process. The Protocol explicitly states that it must not be construed as diminishing in anyway the non-proliferation obligations of non-nuclear-weapon States Parties to the Treaty, including their full cooperation in the institution building that will be necessary to achieve and maintain a nuclear-weapon-free world.ⁱ

The Hiroshima-Nagasaki Protocol is a serious initiative, which is rapidly gaining momentum as cities around the world express their strong support for it. In June 2008, the U.S. Conference of Mayors (USCM) unanimously adopted a far-reaching resolution entitled “Support for the Elimination of All Nuclear Weapons by the Year 2020.” The resolution recommends that the U.S. government “urgently consider” the “Hiroshima-Nagasaki Protocol” as a means of “fulfilling the promise of the NPT by the year 2020, thereby meeting the obligation found by the International Court of Justice in 1996 to ‘conclude negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.’” The resolution also encourages USCM members to sign the Cities Appeal being circulated in support of the Hiroshima-Nagasaki Protocol and to encourage other elected officials in their

cities to do likewise.ⁱⁱ

As Deputy Mayor Klaus-Peter Murawski of Stuttgart, Germany explained, endorsement of the Protocol at the local level is especially significant:

“The Hiroshima-Nagasaki Protocol, to my eyes, will be an outstanding milestone to the whole process because it shows to the public that decisions of such a wide range are taken seriously by cities and the local level, where the majority of people live. It also makes clear that disarmament is a theme which is deemed worthy to fight for. *Low expectations on the side of the governments are not accepted as state of the art and cities stand up to raise them.*”ⁱⁱⁱ (emphasis added)

In the run up to the 2010 NPT Review Conference, the Hiroshima-Nagasaki Protocol has the potential to galvanize civil society in a major way, while providing a tool for crafting a consensus among the states parties to revitalize and strengthen the NPT. It is important to note here the responsibility of the non-Nuclear Weapon States. In its 1996 opinion, the ICJ affirmed a *universal* obligation to pursue negotiations for nuclear disarmament. Then-ICJ President Mohammed Bedjaoui stated that “the goal [of nuclear disarmament] is no longer utopian and that it is the *duty of all* to seek to attain it more actively than ever.” The non-Nuclear Weapon States thus have an obligation to do everything in their power to advance and support nuclear disarmament negotiations and to desist from activities or policies which hinder this.

The Protocol aims to be adopted during the next NPT Review Conference in New York in 2010 and offers a practical roadmap towards the adoption of the Nuclear Weapons Convention in 2015 and a nuclear weapon free world by 2020.

As many historical agreements are named after a city, our Protocol also does refer to dark pages in the history of human kind with the bombing of Hiroshima and Nagasaki in 1945. The Hiroshima-Nagasaki Protocol aims to be for nuclear disarmament what the Kyoto Protocol became for global warming. Even better. While the Kyoto Protocol only brings part of the solution to climate change, the Hiroshima-Nagasaki Protocol aims to bring complete nuclear disarmament by the year 2020. Our proposal is welcomed by most people we meet.

On November 9th 2008 Mr. Paul Helminger, the Mayor of the City of Luxembourg and a MP, welcomed the proposed Hiroshima-Nagasaki Protocol during his address to almost one third of all the Mayors of Luxembourg. Some days later in Brussels City Hall the Belgian Mayors for Peace adopted a resolution calling the Belgian government to support the Protocol during the 2010 NPT Review Conference. This was repeated 2 days later during a meeting of the German Mayors for Peace. We also see that a resolution in support of the Protocol is now being discussed in the Belgian Senate and the Flemish regional Parliament. Everywhere we came we sensed growing support for our 2020 vision and roadmap. Also Mr. Yves Leterme, the Belgian Prime Minister, expressed his wish for the Belgian government to support the Protocol during the Review Conference in New York. It should be noted here that the Belgian government is under increasing pressure as almost 330 cities or 60% of all Belgian cities are supporting the 2020 Vision campaign ... and Mr. Yves Leterme is also a City Council member in Ypres, the Belgian city sometimes referred to as the Hiroshima of the First World War, the war which should have ended all wars.

But not only in Belgium, Germany and Luxembourg are Cities demanding a nuclear weapon free world Mayors. A growing number of Mayors, Deputy-Mayors and City Councilors are signing up to a "Cities Appeal in support of the Hiroshima-Nagasaki Protocol". Amongst these we also count for example the Mayor of Cape Town, Stockholm, Rio de Janeiro, Odessa, Port au Prince, Sarajevo, San Francisco, Toronto, and hundreds of others. In Denmark we already received the endorsement from the Mayors of Assens, Ballerup, Fredrikshaven and Naestved. We are sure that with your support we'll soon find a surge of Danish cities joining our campaign, despite a Danish law prohibiting their Mayors to get involved in international affairs. Cities are indeed stakeholders in this international debate as they remain the prime targets for these genocidal weapons. Find the complete and daily updated list of signatories and documents translated in growing number of languages on our website <http://www.2020visioncampaign.org/pages/462/>

As we all know the UN and nation states have failed to bring about complete nuclear disarmament. Despite the nuclear disarmament obligations of NPT Article VI; despite the historic 1996 advisory opinion of the International Court of Justice reaffirming this obligation; despite numerous resolutions of the UN General Assembly and many other honorable initiatives. We can only conclude that nation states have failed. Nation states continue to disregard the voices of the citizens. On the contrary they form military alliances or "coalitions of the willing" to serve national and corporate interests.

When we met the Prime Minister of Belgium last Tuesday Dr. Tadatoshi Akiba, the Mayor of Hiroshima, mentioned the women of the Freeze movement during the 1980's told him that they would not bring children in this world because of the nuclear threat. As he told this story it struck me that myself, when I was aged 22, made the same decision. I found a doctor and told him the same story and arguments. Soon later two of my male colleagues working for the anti-nuclear movement made the same choice. We did not want to bring children in a world which found itself on the verge of a nuclear catastrophe. We got sterilized by our own choice basically because many politicians and diplomats do not do their job properly. It makes me honestly very sad to have made such a choice as we witness a world caught in complacency and indifference.

But there is hope as we observe a paradigm shift. Where cities do not have armies they choose a path of reconciliation, international co-operation and very practical solutions to global threats. Cities are organising international networks and "sister" city alliances to overcome the nuclear threat and the enormous environmental and social challenges.

Local politicians are stakeholders as they are the first ones responsible and accountable for the security and well-being of their citizens. They are too often confronted with the disastrous results of national and international decisions.

More than ever cities are forging new alliances and are demanding to sit around the high tables where the future of human kind is discussed. Here we can refer to the US cities who took initiatives to cut carbon emissions while the current US administration systematically undermined the Kyoto Protocol. Or as we already mentioned the "US Conference of Mayors" which adopted on June 23rd 2008 a resolution asking the US Federal government to take leadership towards the Hiroshima-Nagasaki Protocol for a nuclear weapon free world by 2020. The US Conference of Mayors brings together over the 1100 targets US cities and adopted the resolution with unanimity. Encouraging is also that cities started to finance the

2020 Vision campaign as we are confronted with the unfortunate fact that for the past years Foundations have cut funding for programs and campaigns advocating the abolition of nuclear weapons. Here we hope that the exemplary leadership of Cities will help to convince Foundations to get back on board.

We hope that it is clear to you that cities are leading the way together with the vast majority of people and nations advocating nuclear abolition. Despite the fact that cities are not officially recognized by the UN -where we received an NGO consultative status- time has come for cities to sit at the table and be recognized as legitimate governmental stakeholders.

It is technically possible to move humanity towards a nuclear weapon free future by 2020. Mayors are asking all of you to show the political leadership and support the adoption of the Hiroshima-Nagasaki Protocol at the next NPT Review Conference.

The vision for a nuclear weapons free world has been around ever since the crimes committed in Hiroshima and Nagasaki in 1945. Today we have a plan, and we urge you to support it.

And finally we can announce that the Mayors of Hiroshima and Nagasaki are discussing hosting the Olympic Games in their cities in 2020. And just one week ago our Executive Council meeting in Ypres, Belgium welcomed the vision of holding the 2020 Olympics in Japan in a nuclear weapon free world. We hope you'll all be able to join us in 2020 in Hiroshima and Nagasaki for a big celebration. With your support we plan to uphold the spirit of the Olympic Games. But we need your help to create a world where we will invest less in militarism and more towards the billions living in cities. We're looking forward to work with all of you for human security and a clean environment.

Thank you,

Pol DHuyvetter

Executive Advisor Hiroshima Peace Culture Foundation

Director International secretariat Mayors for Peace 2020 Vision Campaign, Ypres, Belgium

Copenhagen, November 17th 2008

Notes:

Hiroshima-Nagasaki Protocol <http://2020visioncampaign.org/filestorage/409/File/2/Hiroshima-NagasakiProtocol.pdf>

Cities Appeal in Support of Hiroshima-Nagasaki Protocol <http://www.2020visioncampaign.org/pages/448/>

US Conference of Mayors resolution <http://www.2020visioncampaign.org/pages/451/>

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DANISH PARLIAMENT

Speech:

“THE NUCLEAR WEAPONS CONVENTION AND THE ABOLITION OF WAR -THE COSTA RICAN EXPERIENCE-”

Copenhagen, Denmark

November 17, 2008

Guest Speaker:

CARLOS VARGAS PIZARRO

International Law Professor

and

**Vice-President: “International Association of Lawyers Against
Nuclear Arms”- (IALANA)-**

1).-Dear Dr.John Avery, Chairman “PUGWASH GROUP, DENMARK”, distinguish ambassadors, parliamentarians and members of this panel, ladies and Gentlemen’s.

2).- First of all I would like to commend the “BOARD-MEMBERS OF PUGWASH DENMARK”, for the initiative to celebrate this meeting. I also like to thank them for invite me, to participate in this panel discussion and to speak about the “MODEL NUCLEAR WEAPONS CONVENTION, THE ABOLITION OF WAR AND MY COUNTRY -THE LITTLE COSTA RICA- EXPERIENCE TO ADVANCE NUCLEAR DISARMAMENT AND NON PROLIFERATION”.

3).- I would also like to thank all of you, for joining together, in this effort to support the abolition of nuclear weapons and to promote at the international level the **“MODEL NUCLEAR WEAPONS CONVENTION”** submitted by Costa Rica to the U.N. General Secretary in 1997. Ladies and Gentlemen’s, in this moment I would like to share with all of you the experience of my country Costa Rica regarding the abolition of army forces and nuclear disarmament. Base in our perception that we need to abolish nuclear weapons, the **“MODEL NUCLEAR WEAPONS CONVENTION”**, is now in the U.N. system as a one of the basic documents to start the abolition of nuclear weapons negotiations beside the N.P.T.

4).- The **“MODEL NUCLEAR WEAPONS CONVENTION”** explores the legal, technical and political elements for achieving and maintaining a nuclear free world, an follows the 1996 **“INTERNATIONAL COURT OF JUSTICE CONSULTATIVE OPINION”**, that concluded that: **”THERE EXISTS AN OBLIGATION TO PURSUE AND BRING TO A CONCLUSION, NEGOTIATIONS IN GOOD FAITH ON NUCLEAR DISARMAMENT...”**. The **“MODEL NUCLEAR WEAPONS CONVENTION”** also agreed with the nuclear weapons States declaration, during the 2000 NPT REVIEW CONFERENCE, by which all of the **NUCLEAR WEAPONS STATES**, accepted an unconditional obligation to achieve nuclear disarmament, as it was declared in point 6 of the 13 disarmament steps

5).- I have strong faith, my **“Christian god faith”**, that this symposium will help us to create a shared understanding of the key principles of the nuclear disarmament.

6).- This shared vision will empower us, to promote the ideals of the **“MODEL NUCLEAR WEAPONS CONVENTION”** to the whole world and achieve in a short period of time a nuclear disarmament treaty, as it was declared initially by the **“U.N. Final Report of the Weapons of Mass Destruction Commission”**, in 2006, and more recently on October 24, 2008

by the U.N. Secretary General Ban Ki-moon's, in New York, in address to East –West Institute.

7).- Sixty three years ago, for the first time in the human history two atomic bombs were used on mankind and dropped from the sky above Hiroshima and Nagasaki. The atomic bombing of Hiroshima and Nagasaki, transformed our world and showed us how Hiroshima and Nagasaki became common place of death, and living became exception.

8).- The sadness produced by the atomic bombing, increase the traditional values of the people of my country, Costa Rica, which are base in the search for peace, abolition of army forces, abolition of war, protection of human rights, protection of the environment and the practice of the democracy values, by the participation of all the Costa Rican citizens, in political issues that would affect the humankind in general.

9).- This is the reason why we the costarricans, strongly believes that States can strengthen the norm against nuclear weapons, through the “MODEL NUCLEAR WEAPONS CONVENTION”.

10).- In 1948 the Costa Rican people by the constitutional abolition of our army forces, reject the war and also reflect in the Costa Rica Political Constitution, the most three important values of the Costa Rican society: 1).- The abolition of war by the abolition of army forces. 2).- The search of peace and 3).- The protection of human rights.

11).- The 1948 Costa Rica abolition of army forces, was connected with the abolition of nuclear weapons and becomes to be the most important principle of the Costa Rica foreign affairs policy, in the way to protect human rights. This is the reason why Costa Rica, not only ratified in 1968 the Treaty of Tlatelolco, but also argued against nuclear weapons in the 1996 Consultative Opinion, before the INTERNATIONAL COURT OF JUSTICE, and submitted in 1997 to the United Nations General Assembly, a “MODEL NUCLEAR WEAPONS CONVENTION” which had been drafted by a consortium of lawyers, scientists and disarmament experts. The

“MODEL NUCLEAR WEAPONS CONVENTION”, explores the legal, technical and political requirements for the elimination of nuclear weapons. It also demonstrates the feasibility of nuclear disarmament and aims to stimulate governments to think about the plan for, and start negotiations for complete nuclear disarmament. It also helps us to determine the framework for a nuclear weapons free world.

12).- The **“MODEL NUCLEAR WEAPONS CONVENTION”** has been release by Costa Rica to the 2007 NPT Prep Com in Vienna, and the 2007 United Nations General Assembly. Likewise previously Costa Rica submitted together with Malaysia to the 2000 and 2005 NPT a working paper regarding the **“MODEL NUCLEAR WEAPONS CONVENTION”**. All of this efforts had the intention that all the States will take advantage of this, to strengthen their efforts to commence negotiations leading to complete nuclear disarmament, and also to extend the exploration and development of the legal, technical and political elements required for a nuclear weapons free world.-

13).- We all understand that the creation of the UN in 1945 marked a turning point in history, where all nations came together to renounce war. This was a step toward peace, but this step did not envision a holistic understanding of peace that is necessary in order to build and sustain a peaceful world. I understand that Peace is not simply the rejection of war or the absence of war or the abolition of army forces. To be in peace, many, values must be integrated, including human rights protection, environmental protection, participation in democracy, promotion of human rights and civil rights, education, sustainable development, and equal opportunities for everyone to enjoy life, and to develop economically, spiritually, and creatively.

14).- When we achieve these principles, we will obtain peace. If we are in peace in our local communities, then we do not feel or believe that it is necessary to participate in war, and have army forces and nuclear

weapons. Instead we will be motivated to spread this peace to the region, and then to the world.

15).- The above mentioned principles conform the spirit of peace and abolition of war in “ARTICLE 12 OF THE COSTA RICA CONSTITUTION”, in force since 1948, which is not limited to the abolition of armed forces; because as we have seen, some countries have already abolished their armed forces, but this act alone is not enough. To be successful and sustainable, the renouncement of war and abolition of armed forces and nuclear weapons must integrate the many values of a holistic vision of peace as previously described.

16).- In my country, Costa Rica, the long-standing philosophies regarding the importance of connections between human rights, peace education, environmental protection, democracy, sustainable development, and equal opportunities for all people, are fundamentally tied to the principles underlying the abolition of the armed forces, abolition of war, and consequently abolition of nuclear weapons.

17).- All these factors are linked. In 1948, these values were revitalized among the Costa Rican society, resulting in the constitutional abolition of armed forces, and to result in reject nuclear weapons and the policy of nuclear deterrence.

18).- The constitutional abolition of armed forces in 1948 allowed the Costa Rican civil society people to reclaim and express once again the values of peace that had been part of the Costa Rican perception of life for centuries, ever since the Spanish first arrived in 1502 to Costa Rica.

19).- That Costa Rica was able to maintain its peaceful integrity within a region that has historically been embroiled in military conflicts, is truly inspirational, for this SYMPOSIUM purposes. It is a reflection of the long-standing values of the Costa Rican civil society. Furthermore, Costa Rica’s policy on the abolition of armed forces and nuclear disarmament

has persisted for nearly 60 years, in a region where most other States have drastically increased their military expenditures.

20).- For many years, and keeping in mind the intense regional conflicts, Costa Rica was under pressure to re-establish its armed forces. This was in 1980-1986 period, when Costa Rica was under a lot of pressure to let use Costa Rican territory to invade Nicaragua. Instead, Costa Rica chose to direct its efforts toward regional peace, declaring in 1984 the "Costa Rica Permanent Neutrality", and culminating in the signature of the "Central American Esquipulas Peace Agreement" that brought decades of bloodshed to an end.

21).- The unique perspective stemming from its abolition of armed forces sixty years previously, inspired Costa Rica's use of other, non-military means to maintain its national sovereignty always, empowering the country to spearhead the promotion of peace, abolition of army forces, abolition of nuclear weapons and protection of human rights at regional and universal level.

22).- Today still, this leadership continues in the advancement of regional peace. In the absence of armed forces, Costa Rica relies on the instruments of international law to pursue peaceful settlement of international disputes, and to promote cooperation and friendly relations among all countries and the abolition of nuclear weapons. For this reason, the nation's Foreign Affairs policies are based on these principals, and it continually advances these principles at the international level.

23).- The Costa Rican people has worked to maintain the key principles of Article 12 by abolishing armed forces in perpetuity. The Costa Rican civil society principles involves the rejection of war, abolition of army forces, declaration of neutrality, commitment to friendly relations among countries, protection of human rights, and respect for the sovereignty of other countries. Instead, we have always used International Law and the Pacific Settlement of Disputes to resolve international

conflicts. Moreover, the culture of Costa Rican people incorporates the belief that the prevention of conflict is preferable to employing a confrontational approach, to disputes among nations.

24).- Article 12 of the Costa Rican Constitution sets an example for the world, proving that it is possible for states to exist peacefully without maintaining armed forces and mass destruction weapons, and that our civil societies has the power to influence the path to peaceful coexistence, and peaceful settlement of disputes, using the international law instruments without resorting to military actions or the deterrence provides by weapons of mass destruction.

25).- Ladies and gentlemen, this year is the 63 anniversary of the nuclear bombing of Hiroshima and Nagasaki, the founding of the United Nations, the 41 anniversary of Treaty of Tlatelolco and the 60 anniversary of abolition of the army forces in Costa Rica. Let us use those occasions to heed the cry of the Hibakusha -the nuclear survivors-; to honour the very first resolution of the United Nations General Assembly –(adopted in London in 1946, called for the elimination of mass destruction weapons)- to use our collective vision and energies to abolish and eliminate these devices of terror and mass extermination from the planet and by the celebration of the 60 anniversary of the abolition of the army forces in Costa Rica, promote the nuclear disarmament and non proliferation through the “MODEL NUCLEAR WEAPONS CONVENTION”.

26).- With faith, the combined power and influence, of civil society and governments, will make the vision of an world free of nuclear weapons successfully.

27).- This symposium is our inspiration and motivation, to make our common vision a reality for the future, the abolition of nuclear weapons. Let's take the challenge and work together, to promote at the national and international level, the “MODEL NUCLEAR WEAPONS CONVENTION”. Let's have faith, -(I personally have my Christian faith)-, and believes that

we can do it. Likewise let's work together and follows the example of the little Costa Rica.

Thank you very much.

CARLOS VARGAS PIZARRO





A Nuclear Weapons Convention and the NPT: Diversion or Enabler?

Would a focus on the proposed Nuclear Weapons Convention
draw attention away from – and weaken - the Non-Proliferation Treaty,
or
would a focus on the Nuclear Weapons Convention
strengthen and implement the NPT?



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A Nuclear Weapons Convention and the NPT: Diversion or Enabler?

Alyn Ware, Director of Aotearoa Lawyers for Peace

A: Introduction

The nuclear Non-Proliferation Treaty is generally considered to be a cornerstone of the current non-proliferation regime and the foundation for building a nuclear weapons free world. On the non-proliferation side it upholds an obligation by 184 countries not to acquire nuclear weapons and to accept international safeguards to prevent acquisition. On the disarmament side, it contains the only legally binding commitment on the five Nuclear Weapon States (States that are party to the Treaty and possess nuclear weapons) to pursue nuclear disarmament negotiations.

On the other hand, the NPT has been unsuccessful in preventing States outside of the treaty – India, Pakistan and Israel - from acquiring nuclear weapons. Nor is it able to prevent States acquiring nuclear technology assistance as parties to the treaty, and then withdrawing to pursue a nuclear weapons programme – as North Korea has done. Nor has the treaty been successful in ensuring implementation of the nuclear disarmament obligation.

Following the International Court of Justice decision in 1996, which affirmed a universal obligation to pursue and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control, the United Nations General Assembly called for the commencement of negotiations that would culminate in a Nuclear Weapons Convention (NWC) prohibiting the production, acquisition, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their complete elimination under a phased program.

At the 2000 NPT Review Conference, Malaysia and Costa Rica introduced a working paper calling for the implementation of the nuclear disarmament obligation through the commencement of negotiations that would culminate in a NWC. However, this was not agreed by all States Parties to the NPT. Instead, they agreed to a more limited package of 13 disarmament steps which would reduce reliance on nuclear weapons and which could ‘facilitate the process of elimination.’

The NPT Review Conferences traditionally make decisions by consensus, so the 13 disarmament steps represent what was agreeable at that time by

all States Parties including those that continue to rely on nuclear weapons. Even with such unanimous agreement, there has been little or no implementation of these steps since 2000.

The NWC approach reaches further and aims for the total abolition and elimination of nuclear weapons even though some countries are not yet prepared to abandon their nuclear weapons and doctrines for use. This is more consistent with recent calls for outlawing nuclear weapons (e.g. from the Commission on Weapons of Mass Destruction), for the abolition of nuclear weapons (e.g. from the UK Foreign Secretary’s policy speech to a Carnegie conference in 2007), and for the abandoning of the policy of mass retaliation and the achievement of a nuclear weapons free world (US former high-level officials Henry Kissinger, Sam Nunn, George Shultz and William Perry).

Thus, the question is whether it is best for States to continue to focus solely on the NPT and the 13 steps agreed in 2000, or whether a widening of focus to embrace the NWC would be more effective? Would a focus on a NWC divert attention and political impetus from the achievement of specific disarmament steps outlined in the 2000 NPT agreement, or would it enable such steps to be achieved more quickly as part of a more comprehensive process for the achievement of a nuclear weapons convention?

This paper examines the connection between the NPT and the NWC, explores the political dynamics which have prevented the NPT from achieving universality and from being able to implement the disarmament obligation, and concludes that a focus on a NWC would assist in the implementation of the NPT and in the achievement of a regime for the abolition and elimination of nuclear weapons.

A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion.

Weapons of Mass Destruction Commission, 2006

B: Connection between the NWC and the NPT

There is a very close relationship between the proposed Nuclear Weapons Convention and existing nuclear non-proliferation and disarmament instruments – particularly the nuclear Non-Proliferation Treaty.

1) United Nations General Assembly resolution.

The principal call for negotiations that would lead to a nuclear weapons convention (NWC) is made annually by the United Nations General Assembly. The resolution is entitled *Follow-up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*.ⁱ

In its pre-ambular paragraphs (those explaining the basis of the resolution) it affirms Article VI of the NPT, recalls the decisions taken by the NPT Review and Extension Conference in 1995, emphasises key decisions taken by the NPT Review Conference in 2000 including the 13 disarmament steps, and stresses the importance of strengthening all existing nuclear-related disarmament and arms control measures.

In its operative paragraphs (calling for action) it focuses on the nuclear disarmament obligation arising from NPT Article VI and affirmed unanimously by the International Court of Justice (ICJ). It then calls for implementation of this obligation through negotiations that would lead to the conclusion of a nuclear weapons convention that would prohibit the development, production, testing, transfer, use and threat of use of nuclear weapons and provide a phased programme for their elimination.

The UN General Assembly resolution is thus linked clearly and comprehensively to the NPT.

2) Model Nuclear Weapons Convention

In 1997 Costa Rica submitted a Model Nuclear Weapons Convention to the United Nations General Assembly (UN Doc A/C.1/52/7ⁱⁱ) as a tool to assist the process for implementation of the ICJ Advisory Opinion, the NPT Article VI and the UN resolution. In 2007 this Model Nuclear Weapons Convention was updated and then submitted to the NPT Preparatory Committee Meeting in Vienna (NPT/CONF.2010/PC.I/WP.17ⁱⁱⁱ) and the United Nations General Assembly (UN Doc A/62/650^{iv}).

The Model Nuclear Weapons Convention is also intrinsically and intimately connected to both the

disarmament and non-proliferation aspects of the NPT.

The Preamble to the Model NWC, for example, specifically recalls Article VI of the NPT and the results of the 1995 and 2000 Review Conferences. The articles of the Model NWC make these connections more specific, as discussed in NPT working paper NPT/CONF.2005/WP.41^v and also described briefly in section B:3 below.

On the non-proliferation side, the verification measures in the Model NWC, for example, are built upon the verification measures required by the NPT and implemented by the International Atomic Energy Agency. Another example is the prohibition on transfer of nuclear weapons in the NPT, which is included and strengthened in Articles I:1:c (General Obligations of States) and I:5 (General Obligations of Persons) of the Model NWC.

The NPT process has been limping - has been fragile, for many years now. The last Review Conference ended basically in failure. The World Summit in 2005 ended without a single line of agreement on any issue relating to non-proliferation or disarmament. So it's all hands to the tiller: every possible international initiative or support process that can help this process along is hugely important.

Gareth Evans, Co-Chair, International Commission on Nuclear Non-Proliferation and Disarmament, June 2008

In order to reaffirm its support for and connection to the NPT, the Model NWC states categorically that “Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under...the Treaty on the Non-Proliferation of Nuclear Weapons” It also states that “Nothing in this Convention shall be interpreted as in any way limiting or detracting from the verification arrangements, assumed by any State under the Comprehensive Nuclear Test Ban Treaty, or under safeguards agreements and additional protocol agreements with the International Atomic Energy Agency.”

3) NPT Review Conferences and Prep Coms.

The role of the NWC in supporting the NPT has been summarised in a working paper submitted to the 2000 NPT Review Conference (NPT/CONF.2000/MC.I/SB.I/WP.4^{vi}) and is

described more comprehensively in the working paper submitted to the 2005 NPT Review Conference (NPT/CONF.2005/WP.41). This latter paper shows how the Model Nuclear Weapons Convention incorporates the disarmament measures which States parties to the NPT agreed in 1995 and 2000 to be the first steps towards implementation of Article VI. The working paper also notes that the Model NWC incorporates additional measures to ensure the full implementation of Article VI, which was clarified by the International Court of Justice to include “nuclear disarmament in all its aspects under strict and effective international control.”

The Model Nuclear Weapons Convention includes disarmament steps agreed in the final document of the NPT Review Conference of 1995... It also includes disarmament steps agreed in the final document of the NPT Review Conference of 2000. It expands on the 2000 NPT agreement in order to explore the additional elements that would be required to achieve and maintain a nuclear-weapon-free world.

2007 NPT Working Paper 17 submitted by Malaysia and Costa Rica.

In submitting the Model NWC to the NPT Prep Com in 2007, Costa Rica and Malaysia made some additional comments about the role of the NWC in implementation of the NPT:

“The Model Nuclear Weapons Convention includes disarmament steps agreed in the final document of the NPT Review Conference of 1995, such as a prohibition of nuclear testing, an end to production of fissile materials for military purposes and systematic steps towards nuclear disarmament.

It also includes disarmament steps agreed in the final document of the NPT Review Conference of 2000, such as an unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals, concrete agreed measures to further reduce the operational status of nuclear-weapon systems, steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, the principle of irreversibility to apply to nuclear disarmament, 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.

The Model Nuclear Weapons Convention expands on the 2000 NPT agreement in order to explore the additional elements that would be required to achieve and maintain a nuclear-weapon-free world.^{vii}

C. An NWC can ensure full implementation of the NPT

The NPT by itself is insufficient to achieve nuclear non-proliferation and disarmament, or even some of the steps toward nuclear disarmament. This has been recognised by States Parties to the NPT who have undertaken negotiations on additional supportive measures such as the Strategic Arms Reduction Treaties, the Comprehensive Nuclear Test Ban Treaty, the International Convention on the Suppression of Acts of Nuclear Terrorism, and UN Security Council Resolution 1540. States Parties to the NPT have also called for negotiations on additional instruments such as a fissile materials treaty. A NWC would link these measures and develop additional measures to ensure the complete implementation of Article VI of the NPT – something the NPT has been unable to achieve by itself in the 38 years of its existence.

In some ways the relationship between the NPT and a NWC is similar to the relationship between the Geneva Gas Protocol of 1925 and the Chemical Weapons Convention. The Geneva Gas Protocol prohibited the use of chemical weapons but provided no mechanism for implementation. Thus chemical weapons remained in the stockpiles and military doctrines of a number of countries for many years. It took the 1993 Chemical Weapons Convention to develop the mechanisms for implementing the prohibition and for providing a phased program for the elimination of existing stockpiles.

Like the Geneva Gas Protocol, the NPT Article VI obligation is not self-implementing. It will require the adoption of clear prohibitions on the use, threat to use, and acquisition of nuclear weapons, as well as negotiations on the phased reduction and elimination of stockpiles, and the establishment of mechanisms to verify and ensure compliance with this.

It is true that negotiations on complete nuclear disarmament may take some time – just as the negotiations on the Chemical Weapons Convention took some time. Thus, the promoters of the NWC suggest that specific disarmament steps that are part of the NWC could be agreed upon and implemented early in the negotiations prior to the completion of the entire treaty. This is the usual practice for complex negotiations.

Further discussion on the NWC and its relationship to the NPT and other international instruments can be found in *Securing our Survival: The Case for a Nuclear Weapons Convention*.^{viii}

D: An NWC would help achieve universality of the NPT

With regard to NPT universality, the remaining States that are not Parties to the NPT refuse to join unconditionally as non-nuclear countries. From their perspective, the NPT is a discriminatory treaty which requires less of five States (those that tested nuclear weapons prior to 1970) than of any others. Under the NPT, non-NWS are required to accept IAEA safeguards on all nuclear facilities. This is not required of the five Nuclear Weapon States. In addition, the five NWS are not prohibited from possessing nuclear weapons or from assisting each other in the development of nuclear weapons. Such actions are prohibited for all other States.

The Nuclear Weapons Convention provides a non-discriminatory approach. The general obligations apply equally to all States. This is one reason why India, Pakistan and North Korea all support a NWC even though they are ambivalent about the NPT.

So while it may be unrealistic to expect these States to join the NPT unconditionally as non-NWS, it would not appear unrealistic to expect them to join negotiations on a NWC.

The aim of such negotiations, as mentioned previously, would not be to provide an alternative to the NPT, but rather to develop an additional instrument that would build upon the NPT and other nuclear non-proliferation and disarmament measures. It would thus be sensible to connect NWC negotiations closely with the ongoing efforts to implement and strengthen the NPT.

The 2005 NPT working paper on a NWC thus provides a mechanism for linking NWC negotiations with the NPT Review Process and to engage these States not Parties to the NPT in such negotiations. The negotiating process would culminate in these States having to accept the same obligations as non-nuclear weapon States parties to the NPT.

There is one State outside the NPT, i.e. Israel, that does not currently support the NWC. The Model NWC provides a process for also engaging Israel by dealing with restrictions on proscribed nuclear material rather than having to declare weapons stockpiles, which Israel is currently reluctant to do, and by the provision of positive security assurances to replace reliance on nuclear weapons (something which could also assist the Middle East peace process).

E: Next step or a comprehensive process?

Arms control and disarmament does not occur in a political vacuum. In order to overcome the strong political forces which have produced certain weapons systems, there needs to be a significant political sea-change and/or the investment of considerable political capital by those desiring change for progress to be made.

The Landmines Convention, for example, was made possible by a wave of publicity on the human suffering caused by such weapons and the engagement of public figures such as Princess Diana.

The Cluster Munitions Convention was made possible due to intense global reaction to Israel's perverse use of such weapons in the closing days of their conflict with Lebanon.

In the area of Weapons of Mass Destruction, public awareness and aversion to such weapons has not been sufficient to bring about their abolition. With regard to chemical weapons, it was not until the militaries of the two superpowers at the time decided that the weapons were militarily unusable that the convention was able to be negotiated. With regard to nuclear weapons, even the aversion of militaries to their use has not been strong enough to overcome the strong political attachment to such weapons. Thus, progress to date on nuclear disarmament has only been possible in small steps – such as reductions in numbers and the prohibition of nuclear testing.

Engaging States not party to the NPT

What we should be trying to do is create a framework in which, rather than being outside, these guys (States not party to the NPT) once again become insiders. That may mean thinking about a whole new nuclear weapons treaty which builds upon and creates a new framework around the existing Non-Proliferation Treaty, Comprehensive Test Ban Treaty, together with the fissile materials ban that's being negotiated or proposed to be negotiated at the moment – bringing all those threads together and creating a new environment in which you don't have the perceived discrimination that exists at the moment within the NPT between the nuclear haves and have nots, where you don't have outsiders and don't have insiders, but have a whole new approach to bringing these threads together.

Gareth Evans, Co-Chair, International Commission on Nuclear Non-Proliferation and Disarmament, June 2008

The question now is whether the step-by-step approach remains the correct approach, or whether the time has come for a comprehensive approach.

Those advocating a step-by-step approach argue that there is a general agreement amongst States on the next disarmament steps – a Comprehensive Nuclear Test Ban Treaty, treaty on fissile materials, reducing the operational readiness to use nuclear weapons and further reductions in the numbers of nuclear weapons – and that such agreement provides the possibility for progress.

Those that advocate a comprehensive approach argue that progress on any disarmament step will be slow and will have little real impact if the nuclear weapon States still subscribe to doctrines for the use, and threat of use, of nuclear weapons. As long as nuclear deterrence remains a fundamental component of security doctrines, those governments subscribing to this will be unwilling to undermine their capacity to threaten or use nuclear weapons and so will only take such steps that do not hinder this capacity. They were thus ready to negotiate a CTBT, for example, only when they had developed other methods for testing nuclear weapons. Similarly, the NWS with large stockpiles of fissile materials are ready to negotiate a fissile material cut-off treaty, but those with low stockpiles are resisting until they build up their stockpiles. And finally, reductions in stockpiles have taken place, but only because the remaining arsenals are capable of destruction on a massive scale.

“What we need is both vision - a scenario for a world free of nuclear weapons - and action... Would he (William Wilberforce) have achieved half as much, would he have inspired the same fervour in others if he had set out to 'regulate' or 'reduce' the slave trade rather than abolish it? I doubt it.”

Margaret Beckett, speaking as UK Foreign Secretary, June 2007.

In order to undertake meaningful steps, the NWS will need to abandon their nuclear doctrines and aim instead for security relationships in which the threat or use of nuclear weapons is not considered necessary. The aim must go beyond the next steps and focus instead on how to realistically achieve a nuclear weapons free world. The validity of this comprehensive approach has been recognised by the UK as indicated in the policy speech by then foreign secretary Margaret Beckett in June 2007.

“What we need is both vision - a scenario for a world free of nuclear weapons - and action...When William Wilberforce began his famous campaign, the practice of

one set of people enslaving another had existed for thousands of years. He had the courage to challenge that paradigm; and in so doing he helped to bring an end to the terrible evil of the transatlantic slave trade. Would he have achieved half as much, would he have inspired the same fervour in others if he had set out to 'regulate' or 'reduce' the slave trade rather than abolish it? I doubt it.”

The validity of this approach was also recognised by Kissinger, Nunn, Shultz and Perry in articles in the Wall Street Journal in 2007 and 2008 where they urged that political leaders adopt a vision for a nuclear weapons free world.

Toward a Nuclear-Free World

In October 2007, we convened veterans of the past six administrations, along with a number of other experts on nuclear issues, for a conference at Stanford University's Hoover Institution. There was general agreement about the importance of the vision of a world free of nuclear weapons as a guide to our thinking about nuclear policies.

GEORGE P. SHULTZ, WILLIAM J. PERRY, HENRY A. KISSINGER and SAM NUNN
Wall Street Journal, January 15, 2008

Adopting a more comprehensive framework does not mean abandoning the step-by-step approach. As Malaysia points out when they introduce the annual United Nations General Assembly resolution calling for negotiations leading to the conclusion of a nuclear weapons convention;

*“the Draft Resolution calls on States to commence multilateral negotiations **leading** to an early conclusion of the convention; it does not talk in terms of commencing immediate negotiations **on** the convention. It thereby allows for the very same kinds of disarmament measures that the nuclear weapon states themselves are committed to support. Therefore, the approach called for by the resolution, is not unrealistic but is in fact compatible with the incremental approaches mooted by others”*

Ambassador Hasmy Agam, Permanent Representative of Malaysia to the United Nations, 29 October 1999.

Nor does it necessarily mean relinquishing nuclear deterrence doctrine immediately. Steps toward this could be taken in order to build the confidence required for complete abolition. China and India, for example, have adopted doctrines not to be the first to use nuclear weapons, and have called on other NWS to do also do so. This could be a first small step toward prohibiting the use of nuclear weapons more generally.

Kissinger, Nunn, Schultz and Perry have proposed an alternative step whereby the NWS abandon the doctrine of massive retaliation, thus placing limits on nuclear use regardless of the provocation.

Following the 1996 International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons, Russia, taking language from the ICJ decision, proposed that the threat or use of nuclear weapons should be restricted to the extreme circumstance of self defence when the very survival of a State is at stake.^{ix} The adoption of such a doctrine by all NWS could also constitute an important step towards the prohibition of the use of nuclear weapons.

Individually, each of these steps has problems, placing some states at a security disadvantage to others. However, if placed in the context of a framework for the complete abolition and elimination of nuclear weapons – i.e. deliberations on a NWC – such steps become more justifiable and realistic.

Negotiations on a NWC would likely take considerable time. The complete abolition and elimination of nuclear weapons would require the development and agreement on universal and non-discriminatory obligations, a detailed and phased programme for elimination of stockpiles, comprehensive verification measures, systems for ensuring compliance, and other measures for ensuring security in a non-nuclear weapons regime.

However, the very fact of starting such negotiations would make the completion of intermediate steps much easier and quicker. States with differing security needs would be more willing to make compromises and agree on some steps that are not their primary focus in the knowledge that steps of more relevance or concern to them will also be addressed.

F: Investing wisely in political capital

It may be true that a comprehensive approach is required in order to overcome the obstacles that have prevented a step-by-step process from making any progress in the last decade. However, such an approach will require commitment and the investment of time and resources of States in order to transform the political regimes currently adhering to nuclear weapons, and to undertake the negotiations, develop the institutions and mechanisms, and implement the procedures required to abolish and eliminate nuclear weapons. Are governments willing to make such a commitment, or would they settle for much less –

such as entry-into-force of a CTBT and negotiations of a fissile material treaty?

The step-by-step process is like travelling in an old jalopy with a broken steering wheel, low on fuel and an engine that will not last much longer. Such a jalopy might be cheap to buy, but it won't get us to where we want to go. Isn't it better to spend a little more for a vehicle that will take us all the way?

It would seem from the aspirations expressed in international forums, such as the NPT and UN General Assembly, that the majority of States do indeed aspire to a nuclear weapons free world, and those that have accepted a limited step-by-step process only do so grudgingly because they have not yet seen the possibility to move the NWS beyond this.

However, this situation appears to be changing. The prestigious Weapons of Mass Destruction Commission noted recently that:

“A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion.”

There is a political opening to take a comprehensive approach to nuclear disarmament and start the process for achieving a nuclear weapons convention. This political opportunity may not last long. It should not be squandered.

The United Kingdom has embraced the idea of nuclear abolition and has initiated a 'nuclear disarmament laboratory' to explore the political and technical requirements for such a world.

In the United States, both candidates for President – Barack Obama and John McCain – have announced a vision to achieve a nuclear weapons free world and programs to achieve this that go beyond the step-by-step approach.

There is thus a political opening to take a comprehensive approach to nuclear disarmament and start the process for achieving a nuclear weapons convention. This political opportunity may not last long. It should not be squandered.

G: From NPT to nuclear weapons convention – obligations of the Nuclear Weapon States and the commencement of negotiations

The NWS that are parties to the NPT have a legally binding obligation towards nuclear disarmament under Article VI of the treaty. Of these, only China supports the immediate commencement of negotiations leading to a Nuclear Weapons Convention. The UK has spoken in favour of a NWC but supports negotiations only after there has been further progress on reductions in the nuclear stockpiles of Russia and the US.

This has led some critics to suggest that commencing negotiations on a Nuclear Weapons Convention would be worthless, on the grounds that only a NWC that included all the NWS would have any value. Some have even suggested that starting negotiations on a NWC could be counter-productive as this could give the NWS the excuse to withdraw from the NPT without joining the NWC and thus remove themselves from their current disarmament obligation under the NPT

However, these arguments would appear to be both short-sighted and misguided.

The fear that the NWS would abandon the NPT seems unfounded. It is in the interests of the NWS to maintain the integrity of the treaty, for if they withdrew, that would stimulate the withdrawal of a number of non-nuclear weapon States from the NPT as well, and the likelihood of nuclear proliferation as a result. The NWS are clearly opposed to this scenario and as such regularly reinforce the value of the NPT as the cornerstone of the non-proliferation regime. Even if they decided that ad-hoc counter-proliferation measures suited their interests better than the NPT, a perspective that has much less credence now following the debacle of the counter proliferation war against Iraq, they could not escape the disarmament obligation by withdrawing from the treaty. The International Court of Justice has affirmed that this disarmament obligation is universal, applying to all States regardless of whether or not they are parties to the NPT.

There is some validity to the argument that negotiations on a NWC would have little value without the participation of all the NWS. As one of the principal rationales for nuclear weapons is their role to deter a nuclear attack from an enemy, some NWS might be reluctant to join such negotiations unless all NWS participated and joined the resulting nuclear abolition regime.

However, there are a range of approaches that could be used to commence negotiations and pave the way for a nuclear weapons convention even before all NWS are in agreement.

Firstly, there might be some nuclear weapons possessing States that would be prepared to join such negotiations at the same time as they take steps to reduce their reliance on nuclear weapons and achieve security through other means. North Korea, for example, could be in such a position.

Some of the other nuclear-weapons-possessing States might be prepared to join such negotiations on the basis that the final treaty would not enter into force unless ratified by all nuclear-weapons-possessing States. China, India and Pakistan could be in such a position as they all hold policy supporting negotiations on a NWC.

Commencing such negotiations – even without all the NWS – could be valuable for a number of additional reasons. Firstly, the very fact of commencing such negotiations would put considerable pressure on the NWS to join. Under the Ottawa process, for example, the commencement of negotiations on a landmines ban generated enough political pressure to move a number of governments, which at the time were landmine possessors or users, to change their policies and join the treaty. This was also true for the Oslo process which started the negotiations on a cluster munitions treaty.

Secondly, the commencement of negotiations can provide a process for developing some of the mechanisms – particularly in verification and compliance – that will be required for the implementation of a NWC. The development of such mechanisms can help pave the way for the achievement of the treaty itself. This happened, for example, with the negotiations for a Comprehensive Test Ban Treaty (CTBT), which created the impetus for developing a global monitoring and verification system. The early development of this system helped build confidence that a CTBT could be verified and thus helped facilitate successful negotiation of the treaty. In fact the global system is operating even though the CTBT has yet to enter-into-force.

Thirdly, the commencement of negotiations to prohibit a weapons system, strengthen the global norm against that weapons system making the continued possession of such weapons even less legitimate. The global norm against chemical

weapons, for example, was strengthened by, *inter alia*, the negotiations on a Chemical Weapons Convention (CWC) to such a degree that the possession and use is now considered to be in violation of customary law applicable to all States regardless of whether or not they have signed and ratified the CWC.

It will no doubt take a leap in political will in order for a group of like-minded States to initiate an Ottawa or Oslo type process for nuclear weapons. A slightly less challenging leap would be for a group of like-minded States to initiate a series of preparatory conferences for a NWC. This would make it easier to engage the NWS from the beginning as they could more easily participate in a process where they are not yet bound into negotiating an actual NWC. Such preparatory conferences could provide a forum for examining the political, legal, technical and institutional requirements for a NWC as a precursor to the commencement of negotiations.

H. Conclusion

On 25 May 1961 President Kennedy announced to the US congress his vision that: "...this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth...I believe we possess all the resources and talents necessary. But the facts of the matter are that we have never made the national decisions or marshalled the national resources required for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to insure their fulfilment."

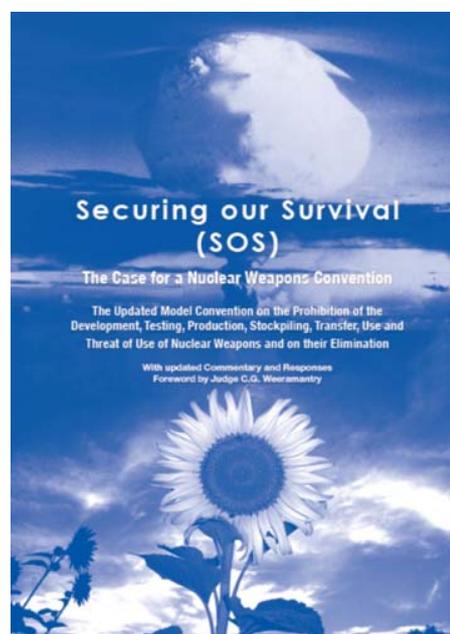
The objective was ambitious. The obstacles were immense. The means to reach that objective were not yet known or developed. However, with such a clear vision and a commitment to achieving it, the goal was reached within the decade.

Similarly with nuclear abolition – with a vision for a global treaty and a commitment to reaching that goal, the obstacles can be overcome and the goal reached. The NWC approach contains the vision for that final goal, and allows for concrete steps along the way. Such an approach would build on the achievements of the NPT, and provide a way to overcome the problems with the NPT that have prevented its full implementation.

To embrace the NWC approach would demonstrate a good faith commitment to fulfilling the obligation to achieve complete nuclear disarmament. To embrace the NWC would provide

a practical approach to achieving what was set down in the first resolution of the United Nations as the goal for the elimination of nuclear weapons and other weapons of mass destruction.

There is an opportunity to do this now. We should not let such an opportunity escape.



For more information see *Securing our Survival: The Case for a Nuclear Weapons Convention*.^{viii}

Notes:

ⁱwww.reachingcriticalwill.org/political/1com/1com07/res/L36.pdf

ⁱⁱ www.inesap.org/publ_nwc_english.pdf

ⁱⁱⁱ www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf

^{iv} www.inesap.org/mNWC_2007_Unversion_English_N0821377.pdf

^v www.reachingcriticalwill.org/legal/npt/RevCon05/wp/WP41.pdf

^{vi} www.reachingcriticalwill.org/legal/npt/NPTDocuments/mc1docs/icjwp.html

^{vii} www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf

^{viii} www.icanw.org/securing-our-survival

^{ix} Russia adapted its security doctrine accordingly and restricted their possible use of nuclear weapons to a situation "when aggression creates a threat to the very existence of the Russian Federation as an independent sovereign state. See 1997 Russian National Security Concept. www.nti.org/db/nisprofs/over/concept.htm







Parliamentarians and a Nuclear Weapons Convention

Hon Marian Hobbs MP, PNND Co-President, former New Zealand Minister for Disarmament

Alexa McDonough MP, PNND Co-President, former Leader of the Canadian New Democratic Party

Alyn Ware, Principal Co-Drafter, Model Nuclear Weapons Convention

CONVENTION

1. a way in which something is usually done. Socially acceptable behaviour
2. an agreement between States.

Concise Oxford Dictionary,
10th edition

The international community has adopted international agreements prohibiting chemical and biological weapons, and prohibiting non-State actors from acquiring, possessing or using nuclear weapons. These are the Biological Weapons Convention, the Chemical Weapons Convention and the Convention on the Suppression of Nuclear Terrorism. The use of the word 'convention' implies that these are more than just agreements – they are the codification of an international norm – an indication of what is and what is not acceptable international behaviour, and the development of mechanisms to implement that norm with respect to weapons of mass destruction.

But what about the possession, threat or use of nuclear weapons by a State?

Terrorism has been defined as the threat or use of force against civilians for political purposes. Is the ongoing threat and

Nobel Laureates and nuclear abolition

"The failure to address the nuclear threat and to strengthen existing treaty obligations to work for nuclear weapons abolition shreds the fabric of cooperative security. A world with nuclear haves and have-nots is fragmented and unstable, a fact underscored by the current threats of proliferation. In such an environment cooperation fails. Thus, nations are unable to address effectively the real threats of poverty, environmental degradation and nuclear catastrophe."

Rome Declaration of Nobel Laureates, 19 November 2006



Alexa McDonough MP and Nancy Covington at Canadian Parliament joint launch of *Securing our Survival* and the International Campaign for the Abolition of Nuclear Weapons

possible use of nuclear weapons by a State any less of a terrorist act than the same act committed by a non-State actor?

In 1996 the International Court of Justice (ICJ) affirmed that the threat or use of nuclear weapons by anyone – State or non-State actor – is generally illegal and that nuclear weapons should be eliminated. The United Nations General Assembly, which had lodged the nuclear weapons case at the ICJ, called for its implementation through the commencement of negotiations leading to the early conclusion of a Nuclear Weapons Convention. Yet 12 years later, the major Nuclear Weapon States maintain robust policies to threaten and use nuclear weapons, and refuse to commence such negotiations.

But our concern is not just with the Nuclear Weapon States. The importance of a norm – a convention – is that it applies universally. When it is strong, it is strong for all. When it is weak, it is weak for all. The erosion of the norm against nuclear weapons by the Nuclear Weapons States has stimulated proliferation. India's rationale for joining the nuclear club was to counter the continuing possession of nuclear weapons by the NWS. Pakistan followed India. North Korea's rationale was to protect it self from attack by the nuclear-armed US. Iran could follow suit.

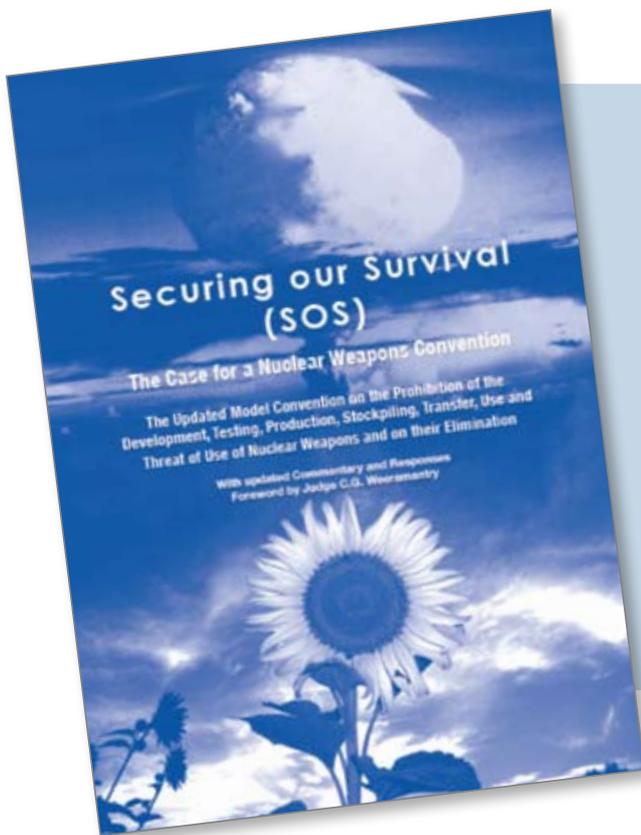
A Nuclear Weapons Convention, on the other hand, would consolidate a non-nuclear norm and implement mechanisms that would prevent proliferation as well as achieve nuclear disarmament.

For these reasons, there is an escalating interest in, and cross-party support for, the abolition of nuclear weapons through a Nuclear Weapons Convention. The prestigious Commission on Weapons of Mass Destruction recommended that States "Accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons, and explore the political, legal, technical and procedural options for achieving this within a reasonable time."

"A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed."

Weapons of Mass Destruction
Commission, Final Report 2006

Draft resolutions, calling for nuclear abolition and/or the achievement of a Nuclear Weapons Convention, have been introduced by PNND members and adopted in the Australian Senate, New Zealand parliament and European Parliament, along with Early Day Motions in the UK House of Commons and resolutions introduced into the US Congress (See PNND Updates 18 and 19 at www.pnnd.org for details).



Parliamentarians and a Nuclear Weapons Convention

“Amid calls from throughout the world for new progress in global nuclear disarmament, this timely study [Securing our Survival: The Case for a Nuclear Weapons Convention] offers an updated model convention for achieving this historic goal. Parliamentarians have essential roles to play in promoting this goal, through collaborative non-partisan efforts, mobilizing support for disarmament among their constituents, and ultimately in the process of ratifying the convention. The ultimate beneficiaries of nuclear disarmament are the people, and as their representatives, parliamentarians have a unique stake in ensuring its success.”

Ambassador Sergio Duarte, United Nations High Representative on Disarmament

In January 2007, US conservative leaders George Schultz (Secretary of State under Ronald Reagan) and Henry Kissinger (Secretary of State under Richard Nixon) joined moderates William Perry (Secretary of Defense under Bill Clinton) and Sam Nunn (Former Chair of the Senate Armed Services Committee) in an op ed published in the Wall Street Journal calling for an end to nuclear deterrence and leadership to establish a nuclear weapons free world.

And more recently Democratic candidate Barak Obama promised to lead an initiative to eliminate nuclear weapons if he became president. Senator John McCain followed with a similar pledge.

One of the questions however, is whether a Nuclear Weapons Convention is practically achievable or merely a utopian dream. To answer that question, the Lawyers’ Committee on Nuclear Policy in 1997 brought together a group of lawyers, scientists, diplomats and disarmament experts to draft a Model Nuclear Weapons Convention taking into consideration the legal, technical and political elements required to achieve a nuclear weapons free world. Nine months later, their product was circulated by the United Nations as UN Doc A/C.1/52/7. An updated Model NWC was submitted to the

2007 Conference of States Parties to the Non-Proliferation Treaty and 62nd United Nations General Assembly (UN Doc A/62/650), and published in the book Securing our Survival: The Case for a Nuclear Weapons Convention.

The book Securing our Survival describes the what, how, who, why and when of a nuclear weapons convention – what it is, how it would be achieved, why it is necessary, who it would involve and when we could expect it to happen.

PNND has co-sponsored launches of the book in a number of parliaments including Australia, Canada and New Zealand, attracting support from leaders across the political spectrum including conservative former Prime Ministers Malcolm Fraser (Australia) and Jim Bolger (New Zealand), Nobel Peace Laureates such as Mairead Macguire; United Nations High Representative on Disarmament Sergio Duarte; military leaders including Romeo Dallaire former Commander of UN Forces in Rwanda; parliamentarians and civil society leaders such as Mayor Akiba of Hiroshima.

Further opportunities will arise to promote the Nuclear Weapons Convention at the 2008 Conference of States Parties to the NPT in

May based on the NWC working paper and Model NWC submitted in 2007, and at the 63rd session of the United Nations General Assembly in October when there will again be a vote to commence negotiations on a nuclear weapons convention. Parliamentarians around the world could encourage their governments to support these two initiatives.

For further information see PNND Updates 18 and 19 at www.pnnd.org



Hon Marian Hobbs at NZ parliament launch of SOS

**2005 Review Conference of the Parties
to the Treaty on the Non-Proliferation
of Nuclear Weapons**

18 May 2005

Original: English

New York, 2-27 May 2005

**Follow-up to the Advisory Opinion of the International
Court of Justice on the *Legality of the Threat or Use of
Nuclear Weapons*: Legal, technical and political elements
required for the establishment and maintenance of a nuclear
weapon-free world**

**Working Paper submitted by Malaysia, Costa Rica, Bolivia,
Democratic Republic of Timor-Leste, Nicaragua, and Yemen**

Introduction

1. The purpose of this paper is to:
 - 1.1. build on the Working paper submitted by Malaysia and Costa Rica to the 2000 NPT Review Conference “Follow-Up to the International Court of Justice Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*” (NPT/CONF.2000/MC.I/SB.I/WP.4);
 - 1.2. re-affirm the obligation of States parties to the NPT to pursue negotiations leading to complete nuclear disarmament, and the unequivocal undertaking by nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, made in 2000, to implement this obligation;
 - 1.3. urge the fulfilment of this obligation through the commencement of negotiations which would lead to the conclusion of a nuclear weapons convention — or a framework of mutually reinforcing instruments — prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination under strict and effective international control; and
 - 1.4. continue to explore the legal, technical and political elements required for a nuclear weapons convention or framework of instruments, and integrate this exploration into the development of a programme for action at the 2005 NPT Review Conference, encompassing and extending the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty.

Background

2. Obligation to achieve the elimination of nuclear weapons:
 - 2.1. At the 1995 Review and Extension Conference, Parties to the NPT agreed to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.
 - 2.2. On 8 July 1996, the International Court of Justice delivered an Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, in which it concluded unanimously, inter alia, that “*the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law*” and that “*there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control*”.
 - 2.3. It is significant that the ICJ opinion affirmed that the obligation to negotiate for nuclear disarmament requires the following:
 - negotiations on complete nuclear disarmament, i.e. the complete abolition and elimination of nuclear weapons.
 - negotiations to be not only pursued, but to be brought to a conclusion.
 - international control of the disarmament process.
 - 2.4. It is also significant that the ICJ did not confine the disarmament obligation only to States parties to the NPT, but rather that this is a universal obligation.
 - 2.5. The 2000 NPT Review Conference affirmed “an 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”.
 - 2.6. The 2000 NPT Review Conference also called for “*The engagement as soon as appropriate of all the nuclear weapons States in the process leading to the total elimination of their nuclear weapons,*” and began the process of considering some of the requirements for “*the achievement and maintenance of a nuclear weapon free world,*” in particular the “*development of the verification capabilities that will be required to provide assurance of compliance*”.
3. Proposal for a nuclear weapons convention or framework of mutually reinforcing instruments:
 - 3.1. The General Assembly of the United Nations has called for implementation of the Advisory Opinion through the commencement of multilateral negotiations leading to the early conclusion of a nuclear weapons convention (General Assembly resolutions 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/84 of 22 November 2002, 58/46 of 8 December 2003 and 59/83 of 3 December

2004 entitled “*Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons*”).

- 3.2. The United Nations General Assembly has also adopted resolutions affirming that “*The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments (A/53/77 Y adopted 4 December 1998 and A/57/59 adopted 22 November 2003, entitled “Towards a nuclear-weapon-free world: the need for a new agenda”)*”.

4. The Non-Aligned Movement, at its XIII Summit from 20-25 February 2003, “emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention”.

Model Nuclear Weapons Convention

5. In 1997 Costa Rica submitted to the Secretary-General of the United Nations a Model Nuclear Weapons Convention drafted by an international consortium of lawyers, scientists and disarmament experts, setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention.

6. The Model Nuclear Weapons Convention was circulated as United Nations document A/C.1/52/7, along with the recommendation of Costa Rica that this be used to assist the deliberative process for the implementation of United Nations General Assembly resolutions entitled “*Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons*”.

2000 Review Conference of the Parties to the NPT

7. At the 2000 NPT Review Conference, Malaysia and Costa Rica submitted a Working paper on “*Follow-Up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*” (NPT/CONF.2000/MC.I/SB.I/WP.4).

8. The Working paper:

- 8.1. *underlined* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;
- 8.2. *called on States Parties* to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and *to invite* those States that have not acceded to the NPT to join in such negotiations; and
- 8.3. *called on States Parties to agree* to give consideration to the legal, technical and political elements required for a nuclear weapons convention or framework convention.

9. The practical steps agreed by States Parties in 2000 for systematic and progressive efforts to implement Article VI of the Treaty included a number of legal, technical and political steps which could provide a basis for some of the elements required for a nuclear weapons free world.

10. These include steps 1: entry into force of the Comprehensive Test Ban Treaty, 3: negotiations culminating in a fissile-material cut-off treaty, 5: application of the principle of irreversibility to nuclear arms control and disarmament measures, 9: steps by all the nuclear weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all, including unilateral reductions, transparency, reducing operational status and a diminishing role for nuclear weapons in security doctrines, 12: regular reports on implementation of Article VI, and 13: 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.

11. In addition, a number of working papers submitted to Preparatory Committee Meetings for the 2005 Review Conference provide a deeper exploration of specific steps agreed in 2000 and other steps relevant to the achievement and maintenance of a nuclear weapons free world. These include, inter alia, papers submitted on security assurances reductions of non-strategic nuclear weapons, compliance mechanisms, overcoming the institutional deficit of the NPT, verification, and comprehensive programmes for nuclear disarmament.

12. A comprehensive overview of the legal, technical and political requirements for a nuclear weapons-free world would be able to affirm such elements which already exist, assess those which are currently being developed, evaluate and link those which have been proposed, and identify additional elements which would also be required.

The path towards nuclear disarmament: step-by-step, comprehensive or incremental-comprehensive

13. There are three general approaches towards achieving nuclear disarmament. The first step, a step-by-step approach, entails negotiations on a limited number of initial steps towards nuclear disarmament, with additional steps being considered once the first steps are achieved. The step-by-step approach has achieved a number of concrete disarmament agreements. However, these have been limited in scope, have failed to illuminate the requirements necessary for the complete elimination of nuclear weapons, and have not brought the world much closer to the final goal of nuclear disarmament than when the NPT was adopted in 1970.

14. A divergent perspective calls for comprehensive negotiations on the complete prohibition and elimination of nuclear weapons. Most States are ready for such comprehensive negotiations, as evidenced by strong support for United Nations resolutions calling on the Conference on Disarmament to “commence negotiations on a phased programme of nuclear disarmament leading to the eventual elimination of nuclear weapons”. (United Nations General Assembly resolution 58/56 adopted 3 December 2003). However, there is some opinion that a comprehensive approach could prevent progress due to the myriad of issues and disarmament requirements that would have to be addressed before any agreement could be reached. In addition, the fact that some States possessing nuclear weapons do not yet accept

comprehensive negotiations precludes the possibility of such an approach in the near future.

15. An alternative path forward, which combines the advantages of the first two approaches, has been described as incremental-comprehensive. Such an approach incorporates step-by-step measures within a comprehensive framework. This is an approach suggested — but not fully developed — by the programme of action agreed at the 2000 NPT Review Conference.

16. While it is important to concentrate international attention on concrete steps towards nuclear disarmament which are achievable in the short term, it is also important to simultaneously consider the requirements for a comprehensive nuclear disarmament regime in order to develop an international understanding of the final destination of nuclear disarmament steps. It can be difficult to construct a path to nuclear disarmament if we do not know more precisely what will be the end goal. Considering the elements of a nuclear disarmament regime at this stage could help give direction to intermediate steps and to overcome some of the roadblocks in the current disarmament forums.

17. Thus, the further development of an incremental-comprehensive approach would assist in the implementation of the programme of action agreed at the 2000 NPT Review Conference, and lead more quickly to the complete elimination of nuclear weapons. This can be best done by further exploration of the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, and by the commencement of negotiations towards that end.

Consideration of the legal, technical and political elements required for a nuclear weapons convention or framework of instruments

18. Consideration should be given at the 2005 NPT Review Conference to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, with the aim to integrate such thinking into the development of a programme for action at the 2005 NPT Review Conference based on the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty. These elements may include:

- 18.1 Non-discriminatory general obligations, applicable to States and non-State actors, prohibiting the acquisition, development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;
- 18.2 Interim control, protection and accounting of nuclear weapons and fissile material holdings;
- 18.3 Phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles;
- 18.4 Mechanisms for verifying the destruction of all nuclear weapons, including, inter alia:
 - Agreements on data sharing with States and existing agencies;

- An international monitoring system comprising facilities and systems for monitoring by photography, radionuclide sampling, on-site and off-site sensors and other data collection systems;
- Consultation and clarification procedures;
- On-site inspections;
- A registry including information gained from State declarations, the international monitoring system, national technical means, inspections, other international organizations, non-governmental organizations and publicly available sources.

18.5 Mechanisms for ensuring compliance including, inter alia:

- Technical assistance in destruction of nuclear weapons, delivery systems and facilities;
- Procedures for national implementation;
- Dispute resolution procedures;
- Penalties for non-compliance;
- Recourse to the United Nations Security Council, United Nations General Assembly and International Court of Justice for further action.

18.6 An international organization to coordinate verification, implementation and enforcement under strict and effective international control; and

18.7 Disarmament and non-proliferation education to ensure that key sectors of society understand the importance of achieving and maintaining a nuclear weapons free world and how they can contribute to this goal.

19. As noted above, some of these elements may already be in existence, albeit in an underdeveloped form or with limited application. This includes, for example, disarmament measures applied to a limited number of weapons, or fissile material controls and delivery system controls applied only to certain countries. Examples include mechanisms and controls established by the nuclear-weapon-free-zone treaties, International Atomic Energy Agency (IAEA), Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), Intermediate Nuclear Forces Treaty (INF) and Strategic Arms Reduction Treaty (START). Other elements have been proposed or are being developed, but again mostly on a limited basis relating more to non-proliferation and disarmament steps but not to complete abolition. Consideration of the elements required for the complete prohibition and elimination of nuclear weapons would enable gaps to be identified, preparatory work undertaken and further steps completed.

Negotiations towards a Nuclear Weapons Convention or a framework of instruments for the complete abolition and elimination of nuclear weapons

20. For nuclear disarmament to occur, security for all will need to be maintained and enhanced. Thus, there are a number of political issues, in addition to those outlined above, that will need to be addressed. These include, inter alia, building confidence in each of the phased disarmament steps in order to proceed to the next steps, how to diminish the role of nuclear weapons in security doctrines pending nuclear abolition, building regional and international security without nuclear

deterrence, development of security assurances, achieving a balance between transparency and protection of sensitive information, the role of societal verification, how to build individual responsibility and protection into the disarmament process while respecting State sovereignty, and how to deal with delivery systems and dual-use materials — particularly plutonium and highly enriched uranium.

21. In addition there are a number of economic and environmental issues which will need to be addressed including the possible need for financial assistance for disarmament and the harmonizing of environmental standards for destroying weapons systems and disposing of fissile materials.

22. The best way to address these issues and to make progress towards complete nuclear disarmament is to commence negotiations within an incremental-comprehensive framework. Such an approach would allow for all relevant issues to be raised and addressed, and would also facilitate the completion of disarmament steps in areas where agreement can be reached within a short to medium timeframe. More difficult issues requiring more complex arrangements would be resolved through continuing negotiations and achieved in subsequent steps. This is what is envisaged in the call for the commencement of negotiations leading to the conclusion of a nuclear weapons convention or a framework of instruments for the complete abolition and elimination of nuclear weapons.

Conclusion

23. States Parties meeting at the NPT 2005 Review Conference are encouraged to develop programmes of action based on the programme agreed at the 2000 NPT Review Conference and the legal, technical and political elements outlined in this paper required for the establishment and maintenance of a nuclear-weapons-free world.

Recommendations

(a) *States Parties* agree to give further consideration to the legal, technical and political elements required for a nuclear weapons convention or a framework of instruments; and

(b) *States Parties* agree to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and *invite* those States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to join in such negotiations.

THE HIROSHIMA-NAGASAKI PROTOCOL
A protocol complementary to the Treaty on the Non-Proliferation of Nuclear Weapons for achieving a nuclear-weapon-free world by the year 2020

Desiring to establish an over-arching means of addressing nuclear disarmament in all its aspects so as to facilitate the fulfillment by States Parties of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, and with a view to all states fulfilling the nuclear disarmament obligation found by the International Court of Justice in their 1996 advisory opinion on the legality of the use or threat of nuclear weapons;

Considering that continued exploitation of the discriminatory nature of the Treaty, wherein nuclear-weapon States Parties are exempted from the prohibition on the acquisition of nuclear weapons, is incompatible with the pursuit in good faith of nuclear disarmament in all its aspects;

Considering further that full equality under international law must be re-established by the elimination of all nuclear arsenals as agreed in the 1995 Extension Conference decision on “Principles and Objectives”;

Article I

1. The nuclear-weapon States Parties to this Protocol shall cease forthwith:

(a) all activities related to the acquisition of nuclear weapons which non-nuclear-weapon States Parties are prohibited from pursuing under the Treaty on the Non-Proliferation of Nuclear Weapons;

(b) all activities which incorporate nuclear weapons into their military doctrines and practices; and shall place all nuclear weapons and weapon-usable fissile materials in safe and secure storage at the earliest possible date.

2. All other States Parties to this Protocol possessing weapons-usable fissile material shall take those steps required of the nuclear-weapon States in paragraph 1 which apply to their circumstances.

Article II

1. The States Parties to this Protocol shall pursue in good faith negotiations on achieving nuclear disarmament in all its aspects under the following two main sections:

Section One negotiations will standardize and legally codify the measures taken under Article I, paragraph 1, (a) and (b).

Section Two negotiations will address:

(c) the elimination of all nuclear weapons and related deployment systems, including delivery vehicles, launch platforms, and command and control systems.

(d) the elimination of all infrastructure associated with the acquisition of nuclear-weapon systems, including production and testing facilities, and of all weapon-usable fissile material stocks.

2. The negotiations called for in paragraph 1 shall have as their objective a Nuclear Weapons Convention or a comparable Framework Agreement. Negotiations shall begin forthwith and be pursued without interruption by all States Parties until this objective is achieved. A Secretariat for the negotiations shall be established that remains in operation until negotiations are concluded.

3. Every good faith effort shall be made to ensure that all measures related to Section One are agreed and implemented before or by 2015 and that all measures related to Section Two are agreed and implemented before or by 2020.

4. All measures contained or foreseen in the Nuclear Weapons Convention or Framework Agreement shall be subject to strict and effective international control and shall provide for international institutions capable of ensuring that the nuclear-weapon free world which is achieved can be maintained indefinitely.

Article III

Nothing in this Protocol shall be interpreted as diminishing in anyway the nonproliferation obligations of any State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; including each State's obligation to cooperate in the establishment and operation of the international institutions of Article II, paragraph 4.

Send this back to: 2020visioncampaign@ieper.be or fax to +32-57-23 92 76 (Attn. Mayors for Peace)

Cities Appeal in support of the Hiroshima-Nagasaki Protocol

Mindful that according to the United Nations Population Fund, “In 2008, for the first time in history, more than half of the world’s population will be living in towns and cities;” and that United Cities and Local Governments is recognized by UN agencies as the voice of cities worldwide;

Taking, in this regard, special note of the support expressed in the 2007 Jeju Declaration of the Second World Congress of United Cities and Local Governments for “the Mayors for Peace campaign, which lobbies the international community to renounce weapons of mass destruction;”

Noting that while the Biological Weapons Convention and the Chemical Weapons Convention prohibit the acquisition of such weapons of mass destruction without exemption, the Treaty of the Non-Proliferation of Nuclear Weapons (NPT) exempts five “nuclear-weapons States” from the prohibition on the acquisition of nuclear weapons;

Underscoring that the aforementioned exemption was never meant to be permanent as all States were obligated to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament;”

Recalling that, in 2005, a Mayors for Peace statement based on a resolution of the U.S. Conference of Mayors and signed by 575 mayors worldwide called upon State Parties to the NPT to take a decision to commence negotiation on the elimination of nuclear weapons and weapon-usable fissile material, and that this resolution was presented in the Great Hall of the General Assembly to the NPT Review Conference President;

Alarmed that not only did the 2005 NPT Review Conference fail to reach agreement on any decisions whatsoever and but also that no negotiations whatsoever have occurred in the years since to advance the objective of nuclear disarmament;

Mindful that the elimination of all nuclear weapons by the year 2020 has become more difficult because of this lack of progress and other adverse developments, but convinced that with a rededication to good faith efforts the objective is still achievable;

Welcoming wholeheartedly the 62nd UN General Assembly decision to begin preparations for a UN Decade for Disarmament, 2010-2020;

We the undersigned elected representatives of citizens of our cities:

Call upon all people to contribute to the preparations for the UN Decade for Disarmament;

Pledge to do our utmost to ensure that it will be a decisive decade for nuclear disarmament;

Call upon the State Parties to the NPT to ensure that the current NPT review process lays the foundation for actual nuclear disarmament during the UN Disarmament Decade and, to that end, urge each Head of Government to lead the government delegation to the 2010 Review Conference and to include in the delegation at least one representative of the nation’s cities;

Recommend for the immediate consideration of all States, not least each of our own, the Hiroshima-Nagasaki Protocol (appended) as a direct means of fulfilling the promise of the NPT by the year 2020, thereby meeting the obligation found by the International Court of Justice “to conclude negotiations leading to nuclear disarmament in all its aspect under strict and effective international control;”

Challenge all States to adopt the Hiroshima-Nagasaki Protocol without delay and to undertake in good faith to present to the 65th General Assembly in September 2010 the envisioned Nuclear Weapons Convention or Framework Agreement.

Signature: _____ Name: _____ :

Position [*Mayor, City Councilor, or other elected local authority representative*]: _____

Name of the local authority: _____ Country: _____

NOTE: Signing the Appeal does not make you a member of Mayors for Peace. If you wish to affiliate your city with Mayors for Peace please use the REGISTRATION FORM link at http://www.2020visioncampaign.org/files/M4P_Registration_Form.pdf