

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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NEW AGENDA COALITION WORKING PAPER

Submitted by South Africa

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as Members of the New Agenda Coalition (NAC)

NUCLEAR DISARMAMENT

A. Background

1. The Treaty of the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the nuclear disarmament and nuclear non-proliferation regime. Since its establishment in 1998, the New Agenda Coalition¹ (NAC) has worked relentlessly towards the fulfilment of the NPT bargain by championing the cause of nuclear disarmament and urging the nuclear-weapon States to intensify the pace of implementation of their nuclear disarmament obligations. This focus of the NAC was informed by the recognition that nuclear disarmament and nuclear non-proliferation are mutually-reinforcing processes flowing from the core NPT bargain, namely that the nuclear-weapon States have legally committed to the pursuit of nuclear disarmament and the elimination of their nuclear arsenals in return for the legally-binding commitment by the non-nuclear-weapon States not to receive, manufacture or otherwise acquire nuclear weapons and the confirmation of the inalienable right to the peaceful uses of nuclear energy.

2. Each article of the NPT is equally binding on the respective States Parties at all times and in all circumstances. All States Parties must therefore be held fully accountable with respect to their strict compliance with their obligations under the Treaty. Selective approaches towards the implementation of certain NPT provisions only serve to undermine the nuclear disarmament and nuclear non-proliferation regime. In this regard, deep concerns expressed by NAC Ministers in 1998 about the lack of urgency of the nuclear weapon States to fulfil their Treaty obligations and expressions of commitment for the total elimination of their nuclear weapons, remain unsatisfied.

3. Any justification for the continued retention or presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with NPT obligations, with the

¹ The New Agenda Coalition consists of seven countries: Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.

integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime and with the broader goal of the pursuit of international peace and security. As long as some States continue to possess nuclear weapons, citing security reasons for doing so, others may aspire to acquire them. As a result, the continued possession of nuclear weapons serves as a potential driver of proliferation.

4. Significant progress has been made to meet the nuclear non-proliferation objectives of the NPT, limiting the horizontal proliferation of nuclear weapons. Whereas the non-proliferation measures have been strengthened over the years, the nuclear disarmament side of the NPT bargain has yet to be realised. The international community must therefore redouble its efforts to ensure that the nuclear-weapon States and countries outside the NPT take the requisite steps towards the speedy, final and total elimination of their nuclear weapons. The reaffirmation of the commitment to the total elimination of nuclear weapons was fundamental to the decision, which was adopted without a vote, to indefinitely extend the NPT in 1995².

5. This decision was only made possible through a negotiated package of decisions that included the "Strengthening of the Review Process for the Treaty"³, the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"⁴ and the "Resolution on the Middle East"⁵.

6. The 1995 outcome was further strengthened with the adoption of a Final Document at the 2000 NPT Review Conference that included practical steps for systematic and progressive efforts to implement Article VI of the NPT and paragraphs 3 and 4(c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". This included the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

B. 2010 NPT Review Conference

7. The agreement at the 2010 NPT Review Conference on an Action Plan covering the Treaty's three pillars included a blue-print for concrete action in the short-term on nuclear disarmament. The nuclear disarmament section of the Action Plan, which includes 22 follow-on actions that reaffirm and build upon the decisions taken in 1995 and 2000, aims to advance the implementation of Article VI of the Treaty. In addition, the Conference emphasised the importance of a process leading to the full implementation of the 1995 Resolution on the Middle East, and in this context endorsed the convening of a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of agreements freely arrived at by the States of the region.

8. The unequivocal undertaking in 2000 by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals laid the foundation for a step-by-step process which would reduce the threat posed by nuclear weapons, de-emphasise their importance and lead to their elimination. At the 2010 NPT Review Conference, the NWS reaffirmed their commitment to unequivocally accomplish the total elimination of their nuclear arsenals leading to nuclear

² See NPT/CONF.1995/32/DEC.3.

³ See NPT/CONF.1995/32/DEC.1.

⁴ See NPT/CONF.1995/32/DEC.2.

⁵ See NPT/CONF.1995/32/RES.1.

disarmament in accordance with Article VI and committed to accelerate progress on steps leading to nuclear disarmament. Importantly, the Conference also reemphasised the commitment to apply the principles of irreversibility, verifiability and transparency in relation to nuclear disarmament measures.

9. Reiterating the Treaty's recognition of the devastation that would be visited upon all of humanity by a nuclear war, the Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and asserted the need for all States at all times to comply with applicable international law, including international humanitarian law.

C. Progress since the adoption of the 2010 Nuclear Disarmament Action Plan

10. In fulfilling these solemn undertakings, some progress has been made since 2010 in addressing the question of all nuclear weapons regardless of their type or location. A positive development in this regard has been a reduction in the overall number of operationally deployed strategic nuclear weapons as a result of the entry-into-force of the New START Agreement between the Russian Federation and the United States. However, several thousand nuclear warheads of different type and location remain intact. Similarly, the continued modernisation of nuclear arsenals and the development of advanced and new types of nuclear weapons, together with the vast resources allocated for this purpose, runs contrary to the undertakings made by the nuclear-weapon States. Nor has progress been evident in the reduction and elimination of nuclear weapons that continue to be stationed outside the territories of the nuclear-weapon States.

11. The commitment to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies has yet to be realised. In fact these doctrines confirm continued reliance on nuclear weapons as an integral part of national security, thereby undermining previous commitments made under the NPT. Regrettably, nuclear deterrence policies remain a defining characteristic of the military doctrines of nuclear-weapon States and the military alliances to which they are party.

12. Whilst the Action Plan calls on nuclear-weapon States to discuss policies that could prevent the use of nuclear weapons, whether by accident or design, the only complete defence against the use of nuclear weapons is the total elimination of these weapons and the assurance that they will never be produced again. Information released by some nuclear-weapon States on their nuclear arsenals and the progress made towards the implementation of the New START agreement represent important confidence building measures. While the recent initiative of the five nuclear-weapon States to engage on these matters is a welcome development, no information regarding the efforts of the nuclear-weapon States towards enhancing transparency and increasing mutual confidence have been made available since the adoption of the 2010 Action Plan.

13. In the 2010 Action Plan pertaining to nuclear disarmament, nuclear weapon States agreed to three specific undertakings regarding reporting on nuclear disarmament. They were called upon to report to the Preparatory Committee at 2014 on concrete progress made on the steps leading to nuclear disarmament. They were also encouraged to agree as soon as possible on a standard reporting form and to determine the appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. Furthermore, they were also required-among all States parties-to submit regular reports, within the framework

of strengthened review process for the Treaty, on the implementation of the 2010 Action Plan. Regarding the latter two undertakings, no evident progress has been made.

14. Despite recent intensive efforts, including the tabling of a draft programme of work⁶, the Conference on Disarmament has not been able to implement the three specific recommendations of the 2010 Action Plan on nuclear disarmament, due to the continued lack of consensus on a programme of work.

15. Regarding the 2010 Action Plan pertaining to the implementation of the 1995 Resolution on the Middle East, initial positive steps have been taken through the appointment of Under Secretary of State Jaakko Laajava of Finland as facilitator and the designation of Finland as host government for the 2012 Conference.

16. In terms of nuclear-weapon-free zones, limited progress has been made. Beyond the Russian Federation's welcome ratification of the Protocol to the Pelindaba Treaty, advances have yet to be made in securing the ratification without condition of the relevant protocols to the other nuclear-weapon-free zone treaties. Neither have any reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties been withdrawn. The announced agreement by the Members of the Southeast Asian Nuclear-Weapon-Free Zone Treaty (SEANWFZ) and the nuclear-weapon States on the Protocol to that Treaty still awaits formal accession by the latter.

17. The entry-into-force of the Comprehensive Nuclear Test-Ban Treaty (CTBT)⁷ remains an important outstanding issue where further progress is urgently required. The Treaty is a core element of the international non-proliferation and disarmament regime — raising the threshold for the acquisition of nuclear weapons, preventing a qualitative arms race and reducing the reliance on nuclear weapons in national security strategies. The entry into force of the Treaty would also strengthen confidence in the international security system through the establishment of an effective verification mechanism. In this regard, all CTBT undertakings contained in the 2010 Action Plan should be duly fulfilled. Some positive progress has been made towards the entry-into-force of the CTBT, most recently through the ratification by Indonesia – the first Annex 2 State to ratify since 2008.

18. In terms of nuclear disarmament verification measures, besides the agreement between the Russian Federation and the United States to update the 2000 Plutonium Management and Disposition Agreement, no further progress has been made in the development of appropriate legally-binding verification arrangements, in the context of the IAEA, to ensure the irreversible removal of fissile material, particularly weapons-grade highly enriched uranium, designated as no longer required for military purposes.

19. Notwithstanding the reaffirmation of the urgency and importance of achieving universality of the NPT and the call on States Parties to exert all efforts to promote universal adherence, and not to undertake any actions that can negatively affect prospects for its universality, no progress has been made in this regard.

⁶ See CD/1933/Rev.1.

⁷ Ratification by the Central African Republic, Ghana, Guatemala, Guinea, Trinidad and Tobago and signature by Niue.

D. Way forward: 2015 NPT Review Cycle

20. Despite the gains made in the implementation of some of the concrete steps agreed by consecutive Conferences since the indefinite extension of the Treaty, including through the reduction of the number of nuclear weapons in the arsenals of some nuclear-weapon States and increased transparency measures by some nuclear-weapon States, the threat posed by nuclear weapons remains and the objectives of Article VI of the NPT have not yet been met. The continued existence of nuclear weapons and the threat of their proliferation forty-two years after the entry into force of the NPT and more than twenty years after the end of the Cold War contradicts commitments made under the NPT. Accordingly, the 2015 NPT review cycle must decisively tackle these challenges and address the confidence-deficit among States Parties to the Treaty.

21. This review cycle should be devoted to turning the commitment to accelerate implementation into concrete action, as reflected in the conclusions and recommendations for follow-on actions in the 2010 Final Document. Accordingly, the nuclear-weapon States must, without further delay, fulfill their obligations flowing from Article VI through systematic and progressive efforts.

22. As part of this process, it is particularly important that the nuclear-weapon States engender confidence in their commitment to implement their undertakings, including through enhanced transparency measures. In this context, the 2010 Review Conference reaffirmed the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference. Accordingly, the nuclear-weapon States are expected to promptly engage with a view to accelerate concrete progress on these steps, including through the measures outlined in Action 5. The nuclear-weapon States are urged to report regularly and substantively on progress made to implement Action 5 – and indeed on the other elements of the Action Plan.

23. Regarding nuclear arms reductions, it is imperative that the follow-on measures to the New START agreement aimed at achieving deeper reductions in the nuclear arsenals of the Russian Federation and the United States should address all deployed and non-deployed nuclear weapons, both strategic and non-strategic.

24. The nuclear-weapon States are called upon to give effect to Action 21 of the 2010 Action Plan by agreeing as a matter of priority on a standard reporting format and reporting intervals. An appropriate reporting interval would be on an annual basis. This would also be consistent with Action 20, which notes that States should submit regular reports.

25. Furthermore, all States Parties to the Treaty, particularly the nuclear-weapon States and the States in the region, are called upon to report on the steps taken to implement the 1995 Middle East Resolution, through the UN Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference.

26. The successful convening of the 2012 Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction is an essential element of the 2015 NPT Review Cycle. The Secretary-General of the United Nations and Depository States are thus called upon to continue to exert all efforts to assist the facilitator in securing a successful Conference. As mandated, the Facilitator will also assist in the

implementation of the follow-on steps to be agreed to by the participating regional states at the 2012 Conference towards the full implementation of the 1995 Resolution on the Middle East and present reports to the 2015 Review Conference and its Preparatory Committee.

27. All nuclear-weapon States must initiate or accelerate the development of multilateral arrangements for placing fissile material no longer required for military purposes, including weapons-grade plutonium and weapons-grade uranium, under IAEA verification and make arrangements for the disposition of such material for peaceful purposes, ensuring that such material remains permanently outside military programmes in a verifiable manner. In this respect, there is an urgent need to develop adequate and efficient nuclear disarmament verification capabilities and legally-binding verification arrangements.

28. Beyond the requisite actions and reports set out in the 2010 Action Plan, nuclear-weapon States are encouraged to take additional measures aimed at instilling confidence in the implementation of their nuclear disarmament obligations under Article VI. In addition, all States that are part of military alliances that include nuclear-weapon States should report, as a significant transparency and confidence-building measure, on steps taken or future steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines.

29. Given the indiscriminate and disproportionate nature of all weapons of mass destruction, including nuclear weapons, the 2015 NPT Review Conference should explore and further consider the humanitarian consequences of nuclear weapons, including consistency with international law and particularly international humanitarian law. In this regard, the 2015 Review Conference should adopt further measures aimed at achieving the total elimination of all nuclear weapons and a safer world for all.

30. further, all States Parties should work towards the construction of a comprehensive framework of mutually reinforcing instruments for the achievement and maintenance of a world without nuclear weapons. Such a legally-binding framework for the total elimination of all nuclear weapons must include clearly defined benchmarks and timelines, backed by a strong system of verification, in order to be efficient and credible.

31. Each unfulfilled agreement and undertaking reached at Review Conferences diminishes the credibility of the NPT and contributes to the confidence-deficit among States Parties. The onus is on all States Parties to the NPT to ensure the full and effective implementation of the Action Plan without delay.