

The NPT and Nuclear Disarmament: Existing obligations and ways forward

The eighth review conference for the nuclear Non-Proliferation Treaty (NPT) takes place in New York May 3-28, 2010. All countries except India, Israel, Pakistan (and, arguably, North Korea since its withdrawal in 2003) are parties to this Treaty, which was negotiated in the 1960s to prevent the spread of nuclear weapons and reduce the risk of nuclear war. The NPT contains commitments on non-proliferation, safeguards, disarmament, nuclear energy and nuclear-weapons free zones, but has no implementing organisation of its own. Instead, accountability has been largely left to five-yearly review conferences, half of which have ended without being able to agree on their review of progress in the previous five years or forward-looking steps to strengthen the regime in the future. While most if not all governments are working for the NPT to function more effectively, a growing number are also beginning to look for alternative ways to accomplish the necessary non-proliferation, disarmament and nuclear security tasks more coherently.

The attitude of the five NPT nuclear-weapon states to nuclear disarmament proposals from the non-nuclear countries has been a key factor in determining the success or failure of past review conferences. In the last successful one, in May 2000, thirteen key paragraphs containing principles, objectives and practical steps on disarmament – usually known as the “thirteen steps” – were negotiated and agreed following proposals by the New Agenda Coalition of seven non-nuclear-weapon states (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden). This NPT disarmament plan of action grew out of the 1995 Principles and Objectives decision and is regarded by most non-nuclear countries as essential for the credibility of the NPT. An important question for the 2010 Review Conference will be how to reaffirm the essential elements of this while taking into account recent developments, integrating necessary principles, objectives and identifying further steps with the comprehensive objective of making irreversible and coherent progress towards a nuclear-free world.

The world has changed in ten years and though the challenges look similar, there are enhanced opportunities to remake the security order with a greatly diminished role for nuclear weapons as the world works towards their total abolition. Most notably, President Barack Obama in Prague (5 April 2009) called for the “peace and security of a world free of nuclear weapons”. A year later on 8 April 2010, President Obama returned to Prague with President Dmitri Medvedev of Russia, to sign a new Strategic Arms Reduction Treaty (New-START) that committed both countries to reduce their deployed strategic nuclear warheads and delivery systems in accordance with agreed principles of verification. President Obama also convened a special session of the UN Security Council on 24 September 2009, which adopted Resolution 1887 on nuclear security and nonproliferation, which focussed mainly on nuclear security and non-proliferation, but set the context in the following way: “Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the [NPT] in a way that promotes international stability...” In April 2010, the United States hosted a Nuclear Security Summit in Washington for 47 states, most of which have nuclear energy or weapons programmes and holdings of fissile materials or other proliferation-sensitive technologies, though a number of relevant states were left outside.

These developments follow on from the editorials, analyses and appeals by a legion of former military and political nuclear practitioners – including high ranking government officials, generals and politicians – who have seized on the example set by George Shultz, Henry Kissinger, William Perry and Sam Nunn (dubbed the US Gang of Four) to put forward proposals, plans of action and steps to move from sharing the vision of a world free of nuclear weapons to its practical achievement. Civil society – from think tanks like the Carnegie Endowment for Peace and the International Institute for Strategic Studies to public movements like Mayors for Peace and the more recently-formed International Campaign to Ban Nuclear Weapons (ICAN) – have been discussing not just nuclear arms control and non-proliferation, but the abolition of nuclear weapons and how to get negotiations underway for a nuclear weapons convention.

At the end of this briefing the Acronym Institute puts forward elements for plans of action on nuclear disarmament and non-proliferation. Many of these ideas are explored in greater depth in other briefing papers in Acronym’s “2010 and Beyond” pack. But first, to understand where we need to go, it is important to know where we’ve been and what commitments have already been undertaken, if not in many cases fulfilled.



UK Trident nuclear armed submarine

NPT Obligations: 1968, 1995 and 2000

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.... Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war... ... Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.... Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control.... Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.....

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transfer or whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Decision 2: Principles and Objectives for Nuclear Non-Proliferation and Disarmament (adopted May 11, 1995 by consensus as part of indefinite extension package)

"The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Reaffirming the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons, Welcoming the end of the cold war, the ensuing easing of international tension and the strengthening of trust between States, Desiring a set of principles and objectives in accordance with which nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII, paragraph 3, of the Treaty, the enhancement and strengthening of which is welcomed, ...

Non-proliferation

2. The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

Nuclear disarmament

3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

- (a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;
- (b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;
- (c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

Section on Article VI (Disarmament) agreed by NPT States Parties in the final document adopted by consensus at the end of the 2000 NPT Review Conference (the 'thirteen steps')

15] The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.
2. A moratorium on nuclear weapon test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. 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.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
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:
 - Further efforts by the nuclear weapon States to reduce their nuclear arsenals unilaterally.
 - Increased transparency by the nuclear weapon States with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
 - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
 - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
 - A diminishing role for nuclear weapons in security policies to minimise the risk that these weapons ever be used and to facilitate the process of their total elimination.
 - The engagement as soon as appropriate of all the nuclear weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
13. The further 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.

What needs to be done?

Below, the Acronym Institute offers some elements that would together provide a progressive action plan for nuclear disarmament, including non-proliferation and security. These were developed in discussions with a number of governments and civil society groups, with particular tribute to the work of the Middle Powers Initiative and John Burroughs.

The elements are grouped into three themes, though there is some conceptual overlap: reducing the role and value of nuclear weapons; implementing disarmament; and strengthening the regime, including compliance and accountability. Many of the elements, especially in the sections on the current disarmament process and strengthening the existing regime, have been on the agenda a long time, but more must be done to translate commitments into actions and achievements. The first section may be less familiar, but is perhaps the most critical to make headway on if the goals of preventing proliferation and building a nuclear-weapon-free world are to be pursued in earnest. These all speak to the change of mindset that genuine nuclear disarmament will entail.



Acronym Institute for Disarmament Diplomacy

Reducing the role and value of nuclear weapons

- reaffirm commitments to diminish the role of nuclear weapons in security policies;
- affirm that, pending their total elimination, the sole purpose for nuclear weapons is to deter the use of nuclear weapons;
- reaffirm commitments to lower the operational status of nuclear forces and implement practical steps to take nuclear weapons off prompt launch, high alert and continuous deployment configurations;
- end deployments of nuclear weapons outside the territory of possessor states;
- phase out extended nuclear deterrence and strengthen a range of non-nuclear deterrence approaches and regional cooperative security mechanisms;
- universalise positive and negative security assurances, extending the legally binding obligations on all nations and individuals not to use nuclear weapons, to come to the aid of people and countries threatened or attacked with nuclear weapons, and to hold perpetrators and their suppliers to account under international law;
- delegitimise nuclear reliance and reinforce the nonproliferation regime by declaring the use of nuclear weapons a crime against humanity.

Implementing disarmament

- reaffirm the “unequivocal undertaking” to accomplish the total elimination of nuclear arsenals;
- support the New START Treaty and encourage further US-Russian negotiations to include more progress towards eliminating shorter range (theatre) nuclear weapons and reducing aggregate numbers (strategic and non-strategic, stored and in reserve as well as deployed);
- encourage all nuclear-armed states to undertake unilateral cuts in their respective arsenals, with a view to commencing multilateral reductions;
- commit to commencing preparatory work leading to negotiations on a universal nuclear weapons convention or framework of instruments for the sustainable, verifiable and enforceable abolition of nuclear weapons worldwide;
- reaffirm the principle of irreversibility, with commitments by the states with nuclear weapons not to increase or modernize their nuclear weapons, missions or capabilities;
- reaffirm the principles of transparency, verification and accountability in fulfilling NPT obligations and agreements;
- support the establishment of a comprehensive, UN-based accounting system covering size of nuclear arsenals, nuclear weapon delivery systems, fissile material stockpiles, and spending on nuclear forces.

Strengthening the regime, including compliance and accountability

- support ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT) by the remaining Article XIV states without conditions, leading to entry into force no later than 2015, and call for nuclear test sites to be dismantled and environmentally cleaned up;
- consider ways and means to make progress on the commitment of a ban on the production of fissile materials for weapons purposes, taking into account the need to cap, reduce and ultimately eliminate stockpiles of high-enriched uranium and plutonium;
- support initiatives to promote a zone free of nuclear, biological, and chemical weapons in the Middle East;
- explore practical initiatives to provide safe and secure multinational alternatives to national fuel cycle facilities, and join and support the International Renewable Energy Agency (IRENA);
- pursue practical initiatives to improve NPT governance and accountability, including strengthening mechanisms to ensure compliance and deter withdrawal;
- encourage universalisation of the IAEA Additional Protocol, in conformity with Article III of the NPT, and accept this inspections standard as a condition of nuclear supply.

It can be seen from these elements, that the overarching, comprehensive goal needs now to be a multilateral treaty that would prohibit and eliminate nuclear weapons as biological and chemical weapons have been prohibited and are in the process of being eliminated. Such a treaty is technically, legally and politically feasible, but it will be difficult to achieve without a fundamental transformation in how nuclear weapons are regarded in the nuclear-armed states. If underpinned by an early agreement to give legal force to the common-sense understanding that any use of nuclear weapons would be a crime against humanity, the process of bringing states together to work towards a coherent security architecture for the universal abolition of nuclear weapons would not only drive the disarmament agenda, but would greatly reinforce non-proliferation and facilitate progress on long-sought but obstructed steps such as the Comprehensive Test Ban Treaty (CTBT) and fissile materials cut-off.

This briefing is the copyright of the Acronym Institute for Disarmament Diplomacy. It is part of an Acronym Institute series originally produced for the 2010 NPT Review Conference. Drawing on the knowledge and experience of key thinkers, analysts and experts in the field of multilateral arms control and international security, we address some of the core issues relating to the NPT, non-proliferation and disarmament with the aim of enhancing the conference outcome and developing collective strategies to move towards security in a world free of nuclear weapons.

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