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Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons

Working paper submitted by India

1. The international community has long recognized that nuclear weapons pose the greatest danger to humankind and that it is therefore essential for it to take urgent steps towards realization of the goal of their complete elimination. The General Assembly, in its very first resolution, resolution 1 (I) of 24 January 1946, adopted unanimously, sought the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction and the control of atomic energy to ensure its use only for peaceful purposes, a goal that has been reaffirmed by the Assembly on several occasions thereafter.

2. The Final Document of the Tenth Special Session of the General Assembly, devoted to disarmament (resolution S-10/2), the only document on nuclear disarmament adopted by consensus by all Member States, affirmed and accorded the highest priority to the goal of nuclear disarmament and outlined concrete steps to achieve that objective. It pointed out that the achievement of nuclear disarmament would require urgent negotiation of agreements, at appropriate stages, and with adequate measures of verification satisfactory to the States concerned, for (a) the cessation of the qualitative improvement and development of nuclear weapon systems; (b) the cessation of production of all types of nuclear weapons and their means of delivery and of the production of fissionable material for weapon purposes; and (c) a comprehensive, phased programme with agreed time frames, whenever possible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time. It emphasized that in the task of achieving the goals of nuclear disarmament, all nuclear weapon States, in particular those possessing the most important nuclear arsenals, bore a special responsibility. It also emphasized that the process of nuclear disarmament should be carried out in such a way that and required measures to ensure that the security of all States was guaranteed at progressively lower levels of nuclear armaments. The principles and



objectives of the Final Document, which were agreed by all, remain of continuing relevance and need to be reaffirmed by the international community.

3. The International Court of Justice concluded in its advisory opinion of 8 July 1996 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”. The United Nations Millennium Declaration (see General Assembly resolution 55/2) reiterated the commitment of the States Members of the United Nations to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim. Various proposals for nuclear disarmament have since been considered, including by the Canberra Commission and the more recent Weapons of Mass Destruction Commission. The Pugwash movement and the community of non-governmental organizations have also made valuable contributions to the nuclear disarmament discourse.

4. The Movement of Non-Aligned Countries, described as the largest peace movement in history, has always accorded the highest priority to nuclear disarmament. The Fourteenth Non-Aligned Movement Summit Conference, held in Havana in September 2006, reaffirmed the Movement’s principled positions on nuclear disarmament and 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.

5. The international community is far from achieving the objective of the total elimination of nuclear weapons, though there has been some progress in this regard. In particular, the Russian Federation and the United States of America have taken steps to reduce their nuclear weapons stockpiles, and India welcomes such efforts. Notwithstanding these reductions the global threat posed by nuclear weapons has not subsided. In recent years another dimension has been added by the possibility that terrorists and other non-State actors may acquire and use weapons of mass destruction, including nuclear weapons and so-called “dirty bombs”.

6. Despite the end of the cold war, the international security situation is still characterized by lack of trust and political will among States to make progress towards the complete elimination of nuclear weapons. The non-nuclear-weapon States have serious concerns about the commitment of nuclear-weapon States to nuclear disarmament. The absence of any reference whatsoever to disarmament and non-proliferation in the 2005 World Summit Outcome (General Assembly resolution 60/1) underscored this fact. The Final Document of the Tenth Special Session of the General Assembly enshrined the essential principle of mutually reinforcing linkage between disarmament and non-proliferation. States that have voluntarily undertaken disarmament and non-proliferation obligations under respective treaties must implement them fully and faithfully.

7. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes. Effective, credible and comprehensive export controls, which at the same time do not hinder legitimate applications of science and technology for peaceful and developmental purposes, could be the building blocks of a move towards universally acceptable non-discriminatory norms and effective international non-proliferation arrangements. Non-proliferation policies must also be forward looking, so as to allow for the expansion of international cooperation in the peaceful uses of nuclear energy for countries desirous of increasing the share of nuclear

energy as a non-polluting energy source, in a manner that is safe, secure and proliferation-resistant.

8. International efforts in nuclear disarmament will yield tangible results when they are backed by an international consensus. The Conference on Disarmament is the sole multilateral negotiating body on disarmament. The Disarmament Commission is the universal deliberative forum. The Charter of the United Nations endows the General Assembly with a responsibility on disarmament matters. The General Assembly must explore the convening of the fourth special session on disarmament, subject to consensus on its objectives and agenda. These remain the best forums to enable the emergence of a consensus and to make an effective contribution to the goal of nuclear disarmament and the complete elimination of nuclear weapons worldwide.

9. India has played an active role in the international community's endeavours towards nuclear disarmament. India was the first to call for a ban on nuclear testing in 1954 and a non-discriminatory treaty on non-proliferation of nuclear weapons, as distinct from non-dissemination, in 1965. India's proposition on non-proliferation was predicated on the principle that the progressive steps towards elimination of weapons of mass destruction must be based on a balance of obligations between those who possess such weapons and those who do not. In 1978, India proposed negotiation for an international convention that would prohibit the use or threat of use of nuclear weapons. In 1982, India called for a "nuclear freeze" — a prohibition on production of fissile materials for weapons and on production of nuclear weapons and related delivery systems.

10. In 1988, India presented to the General Assembly the Rajiv Gandhi Action Plan, which provided a holistic framework seeking negotiations for a time-bound commitment for the complete elimination of nuclear weapons to usher in a world free of nuclear weapons and rooted in non-violence. This Action Plan was by far the most comprehensive initiative on nuclear disarmament, covering issues ranging from nuclear testing and fissile material for nuclear weapons to a time-bound elimination of stockpiles. India, together with 27 other members of the Group of 21, in August 1996, presented to the Conference on Disarmament a programme of action, as contained in document CD/1419, for the elimination of nuclear weapons with a specified time frame. This was further endorsed by the Group of 21 in documents CD/1570 and CD/1571.

11. So long as the States that possess nuclear weapons continue to believe that nuclear weapons constitute a critical element of their security strategy, the goal of the complete elimination of nuclear weapons will remain elusive and distant. Therefore, reducing the salience of nuclear weapons in strategic and security doctrines and policies is essential for realizing the goal of complete elimination of nuclear weapons. Alignment of nuclear doctrines to a posture of "no-first-use" and non-use against non-nuclear-weapon States by all nuclear-weapon States will be an important step towards achieving this objective.

12. The non-nuclear-weapon States have persistently sought legally binding assurances from the nuclear-weapon States against the use or threat of use of nuclear weapons against them. They have regarded the security assurances provided so far by the nuclear-weapon States as inadequate, conditional and non-binding. Legally binding assurances on the use or threat of use of nuclear weapons against non-nuclear-weapon States would further reduce the nuclear danger and mitigate the

sense of insecurity among non-nuclear-weapon States, and thereby strengthen the non-proliferation regime. India firmly supports a policy of no-first-use and non-use of nuclear weapons against non-nuclear-weapon States. India is ready to join multilateral negotiations to enshrine its commitment to no-first-use and non-use of nuclear weapons against non-nuclear weapon States in legally binding agreements. An agreement among the States possessing nuclear weapons on a global no-first-use posture will engender strategic stability and reduce the danger of the accidental or unintended use of nuclear weapons.

13. The international community succeeded in negotiating conventions on the total elimination of biological and chemical weapons mainly because their use had already been prohibited through the 1925 Geneva Protocol and States were prepared to relinquish these weapons as they did not foresee the likelihood of their use or their contribution to ensuring security. There is no reason why nuclear weapons cannot be eliminated in the same manner. A prohibition on the use or threat of use of nuclear weapons would be essential for the eventual elimination of nuclear weapons.

14. The General Assembly resolution on a convention on the prohibition of the use of nuclear weapons (resolution 61/97), a topic first presented by India in 1982, requests the Conference on Disarmament to commence negotiations on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances. The resolution reflects India's belief that a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would help generate the necessary political will among States possessing nuclear weapons to engage in negotiations leading to the total elimination of nuclear weapons; it would also contribute to mitigating the nuclear threat in the interim, pending the complete elimination of nuclear weapons.

15. The General Assembly resolution on reducing nuclear danger (resolution 61/85) manifests India's conviction that the hair-trigger posture of nuclear forces carries the risk of unintentional, unauthorized or accidental use of nuclear weapons leading to a nuclear war with catastrophic consequences. The very real danger posed by the increased risk of systems and components falling into the hands of non-State actors or rogue actors within State structures, has further aggravated the existing dangers. Unilateral, bilateral and regional confidence-building measures could supplement international agreements in reducing nuclear danger as well as the risk of accidental nuclear war.

16. Progress towards the goal of nuclear disarmament will require a climate of mutual confidence in the international community to conclude universal non-discriminatory and verifiable prohibitions on nuclear weapons leading to their complete elimination. No effort must be spared in consensus-building to this end.

17. We would urge the international community to intensify dialogue so as to build a consensus that strengthens the ability of the international community to initiate concrete steps towards achieving the goal of nuclear disarmament based on the following elements:

- Reaffirmation of the unequivocal commitment of all nuclear-weapon States to the goal of complete elimination of nuclear weapons
- Reduction of the salience of nuclear weapons in security doctrines

- Taking into account the global reach and menace of nuclear weapons, adoption of measures by nuclear-weapon States to reduce nuclear danger, including the risks of accidental nuclear war, de-alerting of nuclear weapons to prevent unintentional and accidental use of nuclear weapons
 - Negotiation of a global agreement among nuclear-weapon States on “no-first-use” of nuclear-weapons
 - Negotiation of a universal and legally binding agreement on non-use of nuclear weapons against non-nuclear-weapon States
 - Negotiation of a convention on the complete prohibition of the use or threat of use of nuclear weapons
 - Negotiation of a nuclear weapons convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to the global, non-discriminatory and verifiable elimination of nuclear weapons with a specified time frame.
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