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Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

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Taking forward multilateral nuclear disarmament negotiations

Submitted by the Islamic Republic of Iran

Introduction and background

1. The nuclear weapons pose the greatest threat to the human security and nuclear disarmament and total elimination of all nuclear weapons is the highest priority for overcoming this threat and the only absolute guarantee against the use or threat of use of nuclear weapons. The Islamic Republic of Iran expresses deep concern at the continued lack of progress on nuclear disarmament especially in the Conference on Disarmament. The Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons is an essential foundation for the pursuit of nuclear disarmament. Nuclear disarmament forms one of the fundamental pillars of the Treaty on the Non-Proliferation of Nuclear Weapons. In the course of the negotiations leading to the conclusion of the Treaty, an integrated and balanced package of rights and obligations was introduced according to which non-nuclear-weapon States undertake not to acquire nuclear weapons and to place their facilities under the safeguards agreements. In return, the nuclear-weapon States undertake not to transfer and develop nuclear weapons and commit themselves to practical steps towards nuclear disarmament.

2. The adoption of the 13 practical steps in the 2000 NPT Review Conference, in particular the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament under article VI of the Treaty, and urgent need for its implementation has become instrumental towards the goal of

nuclear disarmament. This undertaking was reaffirmed by the Nuclear Weapon States in NPT Review Conference in 2010.

3. The continued deadlock over multilateral negotiation on disarmament coupled with the lack of any bilateral commitment by major Nuclear Weapon States on nuclear disarmament is a matter of high concern. In this regard the non-entry into force of the Treaty between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (START II) and the abrogation of the Anti-Ballistic Missile Treaty are among the serious setbacks to the implementation of the agreements of the 2000 Review Conference. Moreover, the Moscow Treaty and the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START) do not go beyond merely decommissioning nuclear weapons, and their parties do not have any obligation to destroy their nuclear weapons covered under those treaties. They therefore do not abide by the principle of irreversibility, which was agreed by the nuclear-weapon States at the 2000 Review Conference and reaffirmed in the NPT 2010 Review Conference's Action Plan (2).

4. The international community rightly expects that statements on the reduction of nuclear weapons will be materialized and implemented in a transparent, verifiable and irreversible manner. Despite these pledges, a review of the new developments in the nuclear policy of the United States of America shows a reverse trend. The continued emphasis of the new Nuclear Posture Review of the United States on maintaining nuclear weapons and the obsolete deterrence policy, the plan to spend an estimated \$700 billion on the modernization of American nuclear arsenals, the construction of a new facility for the production of new nuclear weapons and the raising of new excuses for keeping nuclear weapons in the new Nuclear Posture Review are clear indications of the continued policy of this State to evade its nuclear disarmament obligation.

5. The new Nuclear Posture Review of the United States of America and the Trident plan of the United Kingdom of Great Britain and Northern Ireland, which provide for the development and modernization of nuclear weapons, the possible use or threat of use of nuclear weapons against non-nuclear-weapon States and the targeting of nuclear weapons against non-nuclear-weapon States parties to the Treaty, are in contravention of the assurances given by the nuclear-weapon States at the time of the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons and its indefinite extension. More worrisome are announcements by France. It has recently announced the addition of a nuclear-armed ballistic missile submarine to its nuclear arsenals. The President of that country was quoted as saying, "French nuclear forces are a key element in Europe's security". It appears that this country, in defiance of its international obligations, is seeking new roles for its nuclear forces in order to justify their continued retention. In so doing, it even resorts to irresponsible methods such as the manipulation of intelligence and frightening people to promote programmes that their people would otherwise not support. It is regrettable that, despite the high expectations of the international community regarding the realization of the pledges of the United States of America on nuclear disarmament and a world free of nuclear weapons, a new extraordinary budget of tens of billions of dollars has been allocated to modernize American nuclear arsenals. The bill was a blow to all hopes created by the unfulfilled promises made by the new Administration and a clear setback to the Treaty. The Nuclear Posture Review provides for using conventionally armed long-range ballistic missile systems by the United States of America, while this country has been claiming for a long time that the ballistic missile has no use other than as a means of delivery of weapons of mass destruction.

6. Real concerns of the international community remain over vertical as well as horizontal proliferation of nuclear-weapons transfers to other countries and the deployment

of nuclear weapons in the territories of non-nuclear-weapon States, and the danger of using such inhumane weapons against the non-nuclear-weapon States parties to the Treaty. Ironically, not only do some nuclear-weapon States not take steps towards the total elimination of their arsenals and give no real and unconditional security assurances to all non-nuclear-weapon States parties, but they also threaten to use their weapons against States parties to the Treaty.

7. It is a matter of concern that some efforts had been under way in the United States of America to allocate millions of dollars to the goal of reducing to 18 months the time necessary to resume a nuclear test. This puts into question its commitment to the so-called moratorium. The international community has high expectations that the United States of America, as a major nuclear-weapon State, will implement its commitments under the final document of the 2000 and 2010 of the NPT Review Conferences for the ratification of the Comprehensive Nuclear-Test-Ban Treaty.

Proposed measures

8. **Comprehensive Nuclear Weapon Convention:** The negotiations of a phased programme for the complete elimination of nuclear weapons with a specified time frame, including a nuclear weapons convention, is necessary and should commence without any further delay. In this regard, the Islamic Republic of Iran reiterates its call for the establishment, as the highest priority and as soon as possible, of an ad hoc committee with a negotiating mandate on nuclear disarmament in the Conference on Disarmament. Such negotiations must lead to the legal prohibition, once and for all, of the possession, development, production, transfer, stockpiling and use or threat of use of nuclear weapons by any country and provide for the destruction of such inhumane weapons. In this context, it welcomes the convening of a High Level Meeting of the United Nations General Assembly on nuclear disarmament, which will be held in New York on 26 September 2013, as a concrete contribution to achieving the goal of nuclear disarmament. It encourages all States to actively participate in that important meeting at the highest level. Until the conclusion of a nuclear weapons convention, the nuclear-weapon States must fulfill their obligations under the Treaty and their unequivocal commitments undertaken at the successive Review Conferences of the Parties to the Treaty and refrain from:

- any kind of development of and research on nuclear weapons;
- any threat or use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;
- any modernization of nuclear weapons and their facilities;
- the deployment of nuclear weapons in the territories of other countries; and
- maintaining their nuclear weapons in the trigger-alert situation.

9. **Timeframe for nuclear disarmament:** The total elimination of nuclear weapons is a long awaited demanding goal of the international community. It should be realized at the earliest possible time. To that end, a clear time frame for the full implementation of article VI, namely 2025, as proposed by the Movement of Non-Aligned Countries should be set.

10. **Ban on nuclear weapon sharing:** In accordance with article I of the Treaty, 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. Contrary to this obligation, hundreds of nuclear weapons and their means of delivery have been and are still being deployed in other countries, and air forces of non-nuclear-weapon States train in the delivery of these

weapons under the cover of military alliances. The new Nuclear Posture Review of the United States of America has clearly admitted such violations in clear contravention with the obligations assumed under the Treaty on the Non-Proliferation of Nuclear Weapons, namely, the deployment of American nuclear weapons in the territories of the European Union. In the same context, the nuclear-sharing between the nuclear-weapon States and between the nuclear-weapon States and non-parties to the Treaty is also a grave source of concern for States parties to the Treaty. The nuclear-weapon States should comply firmly with their obligations under article I by refraining from nuclear-sharing, under any pretext, including security arrangements or military alliance.

11. Change the nuclear doctrines that rationalized the use or threat of use of nuclear weapons: The question of the security of non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons has been an important issue since the inception of the Treaty. The final document of the 2000 Review Conference reaffirmed, in the second paragraph of its section on article VII, the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding and unconditional security assurances by the five nuclear-weapon States to all the non-nuclear-weapon States strengthen the nuclear non-proliferation regime. We are deeply concerned by strategic defence doctrines of the nuclear-weapon States that set out the rationales for the use of nuclear weapons, as demonstrated by the recent posture review by the United States of America to consider expanding the circumstances in which these weapons could be used and also the “Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization”, which justifies the use or threat of use of nuclear weapons, and maintains unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies.

12. Delegitimizing the nuclear weapons based on International Humanitarian Law: The advisory opinion of 8 July, 1996 of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons that “There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons” and 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.” Accordingly, pending the total elimination of nuclear weapons, as the only absolute guarantee against the use or threat of use of nuclear weapons, the nuclear-weapon States shall seriously refrain, at any circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon States Parties to the Treaty. Any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and the International Law, in particular, International Humanitarian Law. The mere possession of nuclear weapons is inconsistent with the principles of International Humanitarian Law.

13. Ban on use or threat of use of nuclear weapons: As a first step to address the twin issues of illegality of use or threat of use and negative security assurances, the Islamic Republic of Iran continues to believe that, as suggested by the non-governmental organization community, the 2015 NPT Review Conference should adopt a decision that the threat or use of nuclear weapons against any non-nuclear-weapon State party to the Treaty shall be prohibited. The Islamic Republic of Iran continues to firmly believe that the Conference on Disarmament should also at the earliest possible time establish a working group, to work on a draft legally binding instrument on providing unconditional security assurances by the five nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty on a non-discriminatory basis.

14. Ban on modernization and the production of any new nuclear weapons: Addressing the concerns of the non-nuclear-weapon States emanating from the

development and deployment of new nuclear weapons and their means of delivery, and alleviating these concerns by considering a decision on the prohibition of the development, the modernization and the production of any new nuclear weapons, particularly mini-nuclear weapons, as well as a ban on the construction of any new facility for the development, deployment and production of nuclear weapons and their means of delivery at home and in foreign countries is an urgent task for the realization of nuclear disarmament. The development and qualitative improvement of nuclear weapons and the development of advanced new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes further undermine disarmament commitments.

15. **Change in Nuclear doctrines that are based on deterrence:** Any reduction of nuclear weapons, whether strategic or non-strategic, should be conducted in a transparent, irreversible and internationally verifiable manner. Needless to say, such reduction in nuclear weapons can never be a substitute for the fundamental obligation of the nuclear-weapon States, namely, the total elimination of nuclear weapons. As a first step, a real change is needed regarding the aggressive nuclear posture review of the United States of America and a removal of the emphasis on the old doctrine of nuclear deterrence since the lack of progress in diminishing the role of nuclear weapons in security policies further jeopardizes the world security.

16. **Increasing transparency in disarmament measures:** Continued lack of transparency regarding the nuclear activities of the nuclear-weapon States is a matter of serious concern to the States parties to the Treaty. There should be regular reporting by standard forms on the disarmament measures by the nuclear weapon States.

17. **Follow-up to nuclear disarmament obligations agreed at General Assembly of the United Nations:** The General Assembly, at its sixty-sixth session, adopted resolution 66/28, entitled "Follow-up to nuclear disarmament obligations agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons", in which it called for, inter alia, practical steps to be taken by all the nuclear-weapon States that would lead to nuclear disarmament in a way that promoted international stability and, based upon the principle of undiminished security for all:

(a) Further efforts to be made by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

(b) Increased transparency by the nuclear-weapon States with regard to nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as a voluntary confidence-building measure to support further progress in nuclear disarmament;

(c) 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;

(d) Concrete agreed measures to reduce further the operational status of nuclear weapons systems;

(e) A diminishing role for nuclear weapons in security policies so as to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

(f) The engagement, as soon as appropriate, of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons. These required measures by the international community could be considered as a basis for the 2015 Review Conference for further elaboration.

18. **Monitoring and reporting on the full implementation of undertaking given by the nuclear-weapon States at the 2000 Review Conference:** The full implementation of

the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which has also been reaffirmed by the 2010 Review Conference of the Treaty, is vital. That undertaking should be demonstrated without further delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to achieve systematically and progressively towards a nuclear-weapon-free world.

19. Monitoring and reporting on the full implementation of action plan on nuclear disarmament adopted in 2010: There is an urgent need for full and prompt implementation of the commitments by the nuclear-weapon States under action (5) of the NPT 2010 Review Conference “action plan on nuclear disarmament” and the commitment to accelerate concrete progress on the steps leading to nuclear disarmament, inter alia, through: (a) rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons; (b) addressing the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process; (c) further diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines and policies; (d) discussing policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons; (e) considering the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security; (f) reducing the risk of accidental use of nuclear weapons; and (g) further enhancing transparency and increase mutual confidence. We urge the nuclear-weapon States to submit comprehensive substantive report on the step taken by them in line with the requirements of action (5) of the 2010 NPT Review Conference.

20. The nuclear disarmament should be put in the framework of total elimination of all nuclear weapons: The nuclear disarmament should be aimed at achieving the total elimination of nuclear weapons within a framework of time and should not be limited to the bilateral and unilateral reductions in the nuclear warfare. Any such reductions are undermined by the modernization of nuclear weapons, and their delivery systems, and related infrastructure by the nuclear-weapon States. The nuclear-weapon States must immediately cease their plans to further invest in modernizing, upgrading, refurbishing, or extending the lives of their nuclear weapons and related facilities.

21. Cessation and Prevention of Arm Race in Outer Space: The deployment of national and strategic missile defense systems should be stopped. As it could trigger a new arms race or arms races, further development of advanced missile systems and subsequently an increase in the number of nuclear weapons. In accordance with resolution 66/27 of the General Assembly, there is an urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space.

22. Application of the principles of transparency, irreversibility and verification: It is vital that a mechanism would be established to ensure that the elimination of nuclear weapons by the nuclear-weapon States and all measures relating to compliance with nuclear disarmament obligations are done in a transparent, irreversible and verifiable manner.

23. De-alerting: nuclear weapon states must adopt necessary measures as matter of urgency for immediate reduction of the operational status of nuclear-weapon systems until they have been totally eliminated.

24. Adoption of measures for avoiding nuclear weapon accidents: The few pieces of news on submarine accidents leaked to the media show the scale of the real dangers to international peace and security, as well as the great challenges created by the existing nuclear arsenals to the survival of mankind and the environment. Since 2000, the collisions and failures of nuclear submarines of the United Kingdom of Great Britain and Northern

Ireland, including HMS Superb in May 2008, have been a great source of concern for the international community and posed an immense risk to the marine environment. During this period, HMS Triumph, HMS Trafalgar and HMS Tireless had similar catastrophic incidents. In particular, in February 2009, the incident between the British nuclear submarine HMS Vanguard and the French nuclear submarine Le Triomphant in the Atlantic Ocean was of serious concern to the international community. Such cases of accidents involving nuclear weapons proved once more the righteousness of the international calls for the immediate realization of a world free from nuclear arsenals through the full implementation of article VI of the Treaty

25. **Convening United Nations Summit on nuclear disarmament:** Based on the unanimous conclusion of the International Court of Justice, there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. Convening a United Nations Summit on nuclear disarmament to identify ways and means of eliminating nuclear weapons, at the earliest possible date, with the objective of an agreement on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction is a matter of urgency.

26. **Achieving nuclear weapon free world:** Creation of nuclear-weapon-free zones will contribute to the goal of nuclear weapon free world if creation of such zones would spread over all areas in the world without exception, especially in the Europe and Middle East, and if all nuclear weapon states withdraw all reservations and interpretative declarations to the protocols of the treaties establishing nuclear-weapon-free zones which are contrary to the nuclear-free status of such areas. In this regard for the establishment of Nuclear Weapon Free Zone in the Middle East, the double standard and selective policies must be abandoned and instead of unilateral support from the only non-party of the Treaty on the Non-Proliferation of Nuclear Weapons in the Middle East as the sole obstacle in the way of creation of such a zone in the region the international pressure must be augmented for its accession to the Treaty on the Non-Proliferation of Nuclear Weapons and putting all its nuclear programs under the comprehensive safeguard system of the International Atomic Energy Agency.

27. **Supporting the action plan adopted by Non-Aligned Movement:** We support the plan of action proposed by the Non-Aligned Movement in 2010 NPT Review Conference for the elimination of nuclear weapons within a specified time frame as contained in document NPT/CONF.2015/PC.II/WP.14.
