

ITALY

**CESSATION OF THE NUCLEAR ARMS RACE AND
NUCLEAR DISARMAMENT
RELEVANCE OF AN FMCT FOR CESSATION OF THE
NUCLEAR ARMS RACE, NUCLEAR DISARMAMENT AND
NUCLEAR NON-PROLIFERATION**

1. There is no legally binding definition of the term of nuclear disarmament. The NPT, which is binding for the overwhelming majority of the members of the International Community, is the most authoritative document indicating the commitment to nuclear disarmament. Such commitment is contained in the preamble of the Treaty (“declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament, urging the co-operation of all States in the attainment of this objective”) and in art. 6 (“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”). On the occasion of the 2000 NPT Review Conference, Member States agreed on 13 “Practical Step” for the systematic and progressive efforts to implement art. VI of the NPT. This document contains the most explicit and comprehensive steps which can lead to nuclear disarmament. It includes Practical Steps 3, which provides for an immediate commencement at the CD of a Treaty banning the production of weapons-useable fissile material. Although they are not considered to be legally binding, the “13 Practical Steps” were consensually adopted in 2000.

2. As borne out by the NPT negotiating history, the clause requiring the cessation of the nuclear arms race was understood by the signatories as denoting a package of measures, which include, as a minimum, the termination of nuclear-weapon test explosions and a ban on further production of

fissile material for weapon purposes. FMCT would be an instrument for cessation of the nuclear arms race in accordance with art. VI of NPT. Without the availability of additional weapons-grade fissile material it would in fact be impossible, in the long run, to build additional nuclear weapons, and thus feed a nuclear arms race.

3. FMCT would also be an instrument of nuclear disarmament and arms limitation since it would make it impossible to go beyond existing arsenals of warheads or stocks of weapons-grade fissile material. A nuclear disarmament process which would not encompass a treaty obligation to halt permanently the production of the fissile material necessary to produce nuclear explosive device could not be considered effective and progressive. The fact that additional nuclear warheads could still be produced with the already existing fissile material does not diminish the added value of a ban on the future production. Such a ban would in fact conclude an era in which Nuclear Weapon States can legally produce as much weapons-usable fissile material as they desire. FMCT is thus a necessary step to achieve nuclear disarmament.

4. An FMCT would also have some implication for nuclear non-proliferation. It would reinforce the “non-proliferation” provisions of the NPT (art. I and II). In addition to establishing a “cap” on weapons-grade fissile material production, it would also establish a “cap” on additional countries producing it. The fact that the overwhelming majority of non nuclear weapons States are today party to the NPT and thus cannot produce weapons-useable material, makes this limitation almost theoretical. It could however also acquire an effective added value for non-NPT countries or in case of withdrawal by a State from the NPT. That State (if party to an FMCT) would still be obliged not to produce fissile material for nuclear explosions. FMCT would also be relevant if a newly established State were not to adhere to the NPT. In all circumstances FMCT would ensure that no additional countries could produce weapons grade fissile material.
