

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

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### Nuclear disarmament

#### Working paper submitted by Brazil on behalf of Egypt, Ireland, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition

#### Background

1. The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the nuclear disarmament and nuclear non-proliferation regime. Since its establishment in 1998, the New Agenda Coalition has worked relentlessly towards the fulfilment of the bargain of the Treaty by championing the cause of nuclear disarmament and urging the nuclear-weapon States to intensify the pace of the implementation of their nuclear disarmament obligations. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes flowing from the core bargain of the Treaty, namely, that the nuclear-weapon States have legally committed themselves 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 Treaty 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 provisions of the Treaty serve only to undermine the nuclear disarmament and nuclear non-proliferation regime. In this regard, deep concerns expressed by Coalition ministers in 1998 regarding the lack of urgency on the part of the nuclear-weapon States with regard to the fulfilment of their Treaty obligations and expressions of commitment to 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 Treaty obligations, with the 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 in meeting the nuclear non-proliferation objectives of the Treaty, limiting the horizontal proliferation of nuclear weapons. Whereas the non-proliferation measures have been strengthened over the years, the nuclear disarmament side of the Treaty bargain has yet to be realized. The international community must therefore redouble its efforts to ensure that the nuclear-weapon States and countries outside the Treaty 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, adopted without a vote in 1995, to extend the Treaty indefinitely (NPT/CONF.1995/32/DEC.3).

5. This decision was made possible only through a negotiated package of texts which included the decisions entitled “Strengthening the review process for the Treaty” (NPT/CONF.1995/32/DEC.1) and “Principles and objectives for nuclear non-proliferation and disarmament” (NPT/CONF.1995/32/DEC.2) and the resolution entitled “Resolution on the Middle East” (NPT/CONF.1995/32/RES/1).

6. The outcome of the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons was further strengthened with the adoption of the Final Document of the 2000 Review Conference of the Parties to the Treaty, which included practical steps for systematic and progressive efforts to implement article VI of the Treaty, and paragraphs 3 and 4 (c) of the 1995 decision entitled “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.

## **2010 Review Conference**

7. The agreement reached at the 2010 Review Conference on an action plan covering the Treaty’s three pillars included a blueprint for concrete action in the short term on nuclear disarmament. The nuclear disarmament section of the action plan, which includes 22 follow-on actions which 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 2010 Review Conference emphasized 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 that would reduce the threat posed by nuclear weapons, de-emphasize their importance and lead to their elimination. At the 2010 Review Conference, the nuclear-weapon States reaffirmed their commitment to unequivocally accomplish the total elimination of their nuclear arsenals leading to

nuclear disarmament in accordance with article VI of the Treaty and committed to accelerate progress on steps leading to nuclear disarmament. Importantly, the Conference also re-emphasized 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 2010 Review 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.

### **Progress since the adoption by the 2010 Review Conference of the 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 Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). However, the continued modernization of nuclear arsenals and the development of advanced and new types of nuclear weapons, together with the allocation of vast resources for this purpose, run counter to the undertakings of 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. Further efforts are expected from the other nuclear-weapon States to reduce their nuclear arsenals and to increase transparency with regard to steps taken.

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 realized. In fact, these doctrines confirm continued reliance on nuclear weapons to be an integral part of national security, thereby undermining previous commitments made under the Treaty on the Non-Proliferation of Nuclear Weapons. 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. Also, no information is available on actions taken since 2010 to reduce the operational readiness of nuclear weapon systems.

12. While the action plan calls on nuclear-weapon States to discuss policies that could prevent the use of nuclear weapons, whether by accident or by design, the only complete defence against the use of nuclear weapons is their total elimination and the assurance that they will never be produced again. The release of information by some nuclear-weapon States on their nuclear arsenals and the progress made towards the implementation of New START 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 has been made available since the adoption of the 2010 action plan.

13. In the 2010 action plan, adopted by the 2010 Review Conference, 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 2014 sessions of the Preparatory Committee for the 2015 Review Conference on concrete progress made on the steps leading to nuclear disarmament (action 5). 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 (action 21). Furthermore, they were required — among all States parties — to submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the action plan (action 20). Regarding the latter two undertakings, no evident progress has been made.

14. Despite intensive efforts, since 2010, including the submission of draft programmes of work, the Conference on Disarmament has not been able to implement the three specific recommendations of the 2010 action plan on nuclear disarmament, owing 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, it is regrettable that the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction was not convened in 2012, as endorsed by consensus in the 2010 Review Conference, and this despite the seriousness with which States of the region have approached this endeavour since it commenced and the continued efforts of the Undersecretary of State for Foreign and Security Policy of Finland, Jaako Laajava, as facilitator, of the Conference, which are welcomed. The support and assistance of the facilitator, the co-conveners and the wider international community remain pivotal in achieving progress towards the full and effective implementation of the 1995 resolution on the Middle East. Further efforts will be required to ensure the convening of a Conference in 2013, without further delay. All stakeholders in this crucial endeavour, which is an integral element of the conclusions and recommendations for follow-on actions agreed to in 2010, are urged to redouble their efforts to create the conditions necessary for a successful Conference. The convening of a Conference without delay would be a significant step towards a successful 2015 Review Conference process.

16. In terms of nuclear-weapon-free zones, limited progress has been made. Beyond the welcome ratification by the Russian Federation of the Protocols to the Treaty of Pelindaba, advances have yet to be made in securing the ratification without conditions of the relevant protocols to the other nuclear-weapon-free zone treaties, nor have any reservations or unilateral interpretative declarations been withdrawn that are incompatible with the object and purpose of such treaties. The announced agreement by the States parties to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone 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<sup>1</sup> remains an important outstanding issue with regard to which further progress is urgently required. The Treaty is a core element of the international non-proliferation and

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<sup>1</sup> Last accessions: ratification by Brunei Darussalam (2013), Chad (2013), Guatemala (2012), Indonesia (2012), Ghana (2011), Guinea (2011), Central African Republic (2010) and Trinidad and Tobago (2010) and signature by Niue (2012).

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 Comprehensive Nuclear-Test-Ban Treaty undertakings listed in the 2010 Review Conference action plan should be duly fulfilled. Some positive progress has been made towards the entry into force of the Treaty with the ratification by Indonesia, the first Annex 2 State to ratify since the 2010 Review Conference.

18. In terms of nuclear disarmament verification measures, besides the agreement between the Governments of the Russian Federation and the United States of America to update the 2000 Agreement concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defence Purposes and Related Cooperation, no further progress has been made in the development of appropriate legally binding verification arrangements, in the context of the International Atomic Energy Agency (IAEA), to ensure the irreversible removal of fissile material, particularly weapons-grade highly enriched uranium, designated as no longer required for military purposes, in accordance with actions 16 and 17 of the 2010 Review Conference action plan.

19. Notwithstanding the reaffirmation of the urgency and importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons and the call for States parties to make all efforts to promote universal adherence, and not to undertake any actions that could negatively affect the prospects for its universality, no progress has been made in this regard.

### **The way forward: the 2015 Treaty review cycle**

20. Despite the gains made in the implementation of some of the concrete steps agreed at consecutive conferences since the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, 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 Treaty have not yet been met. The continued existence of nuclear weapons and the threat of their proliferation 43 years after the entry into force of the Treaty and more than 20 years after the end of the cold war contradict commitments made under the Treaty. Accordingly, the 2015 Treaty review cycle must decisively tackle these challenges and address the confidence deficit among States parties to the Treaty. The implementation of disarmament commitments aimed at achieving and sustaining a world free from nuclear weapons should not be postponed.

21. Neither the pursuit nor the retention of nuclear weapons can enhance regional or international security. The nuclear tests carried out by the Democratic People's Republic of Korea are a violation of its obligations under the relevant Security Council resolutions. The Democratic People's Republic of Korea should fulfil its commitments under the six-party talks, including those set out in the September 2005 joint statement, abandon all nuclear weapons programmes, and return, without delay, to the Treaty on the Non-Proliferation of Nuclear Weapons and place all of its

nuclear facilities under IAEA verification, with a view to achieving the denuclearization of the Korean Peninsula in a peaceful manner.

22. This review cycle should be devoted to concrete action, as reflected in the conclusions and recommendations for follow-on actions set out in the Final Document of the 2010 Review Conference. Accordingly, the nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI through systematic and progressive efforts.

23. As part of this process, it is particularly important that the nuclear-weapon States engender confidence in their undertakings to implement their commitments, 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 accelerating 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 in the implementation of action 5 and, indeed, on the other elements of the action plan.

24. Regarding nuclear arms reductions, it is imperative that the follow-on measures relating to New START 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.

25. 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. Annual reporting would cover an appropriate interval. This would also be consistent with action 20, which notes that States should submit regular reports.

26. 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 resolution on the Middle East, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chair of the Preparatory Committee whose sessions are to be held in advance of that Conference.

27. The convening of the 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 Treaty review cycle. The Secretary-General and depositary States are thus called upon to continue to make all efforts to assist the facilitator in convening the Conference without further delay. 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 Conference towards the full implementation of the 1995 resolution on the Middle East and will submit reports thereon to the 2015 Review Conference and its Preparatory Committee.

28. 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 this 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.

29. Beyond the requisite actions and reporting set out in the 2010 Review Conference 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, and their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and their agreement to apply the principles of transparency, verifiability and irreversibility to nuclear disarmament measures. 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.

30. Building on the agreements reached at the 2000 and 2010 Review Conferences, further concrete measures must be taken to decrease the operational readiness of nuclear weapon systems, with a view to ensuring that all nuclear weapons are removed from high-alert status.

31. Since the 2010 Review Conference, awareness has been growing about the humanitarian consequences of a nuclear detonation, as most recently illustrated by the Conference on the Humanitarian Impact of Nuclear Weapons, which was held in Oslo on 4 and 5 March 2013. Given the indiscriminate and disproportionate effects of nuclear weapons, the humanitarian concerns should inform actions and decisions during the 2015 review cycle and beyond.

32. Furthermore, the 2015 Review Conference should work towards the construction of a comprehensive framework of mutually reinforcing instruments for the achievement and maintenance of a world without nuclear weapons. In order to be transparent, efficient and credible, 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.

33. State parties to the Treaty should take into account that each unfulfilled agreement and undertaking reached at Review Conferences diminishes the credibility of the Treaty and adds to the confidence deficit among them. The onus is on all States parties to the Treaty to ensure the full and effective implementation of the action plan without delay.

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