

# 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 Algeria<sup>1</sup>

1. Nuclear weapons represent the most serious threat to mankind and to the survival of civilization. Today, 69 years after the very first United Nations General Assembly resolution of 24 January 1946, which specifically called for the elimination of nuclear weapons, this threat remains undiminished, if not even more dangerous.

2. Despite its shortcomings, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) remains the cornerstone of the nuclear non-proliferation and disarmament regime, and thus constitutes a basic element of collective security. Its ultimate objective is to extinguish the nuclear threat on the basis of mutual responsibilities and rights.

- Non-nuclear-weapon States undertook not to acquire nuclear weapons, pursuant to articles II and III of the Treaty.
- In exchange, nuclear-weapon States undertook to totally eliminate their nuclear weapons, pursuant to article VI of the Treaty, which called on each of the States parties 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”. In its July 1996 advisory opinion, the International Court of Justice explicitly affirmed the existence of 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”.
- Moreover, nuclear-weapon States made and reaffirmed a commitment that non-nuclear-weapon States could rely on negative security assurances against the use of such weapons, or the threat thereof. Those measures were not specific provisions of the Treaty, but were at the centre of the debates during the preparatory work prior to its adoption and the commitments subsequently assumed by the States parties. It is worth recalling that resolution 2153 of 17 November 1966, which called for the conclusion of a non-proliferation treaty, also urged the 18-nation Committee on Disarmament to consider the

<sup>1</sup> The present document is issued without formal editing.



issue of negative security assurances as a priority matter. Moreover, under the terms of Security Council resolutions 255 (1968) and 984 (1995), nuclear-weapon States made commitments in that regard.

- The Treaty also guarantees the inalienable right of States to use nuclear energy for peaceful purposes.

3. In 1995, at the Treaty Review and Extension Conference, non-nuclear-weapon States definitively renounced the nuclear option by agreeing to extend the Treaty indefinitely under the terms of decision 3, after the nuclear-weapon States had reaffirmed their commitment to principle 4 of decision 2 adopted by the Conference on the “Principles and objectives for non-proliferation and nuclear disarmament”. 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. To that end, they reaffirmed their commitment, as stated in article VI of the NPT, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

4. In the framework of 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”, the States parties agreed upon 13 practical steps at the 2000 Review Conference.

5. At the 2010 Treaty Review Conference, the States parties reached a consensus on a plan of action under the terms of which they affirmed 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.

6. Full respect for all of the provisions of the Treaty on a universal basis is a way to consolidate international peace and strengthen the security of all States parties, and thus preserve the survival of mankind.

7. One of the measures that would strengthen and help universalize the Treaty would be to achieve concerted results in implementing the provisions of article VI on nuclear disarmament.

8. Today, 45 years after the entry into force of the Treaty and 20 years after its indefinite extension, it needs to be recognized that nuclear disarmament is still an objective to be achieved: article VI of the NPT has not yet been applied and, given the absence of a joint process based on a binding legal commitment and predefined time frames, both the practical measures of 2000 and those contained in the 2010 plan of action on nuclear disarmament have yet to be implemented.

9. Significant reductions in nuclear weapons have been made through bilateral agreements and unilateral measures adopted by nuclear-weapon States during this period. Nonetheless, the scope of these measures has been too small to launch a genuine nuclear disarmament process, because:

9.1 Nuclear weapons continue to play a central role in the national security and defence policies of nuclear-weapon States and of those who practise nuclear deterrence in the framework of nuclear alliances or umbrellas;

9.2 Nuclear weapons are perceived, moreover, as a factor of strategic stability;

9.3 Substantial inventories of deployed and stockpiled nuclear weapons still exist;

9.4 The nuclear powers are pursuing programmes aimed at modernizing and improving their nuclear arsenals;

9.5 Nuclear disarmament is subject to conditionalities.

10. This situation is not compatible with the objectives of the Treaty and the commitments made on the subject, particularly the unequivocal undertaking by the nuclear-weapon States to completely eliminate their nuclear arsenals, leading to nuclear disarmament, to which all States parties are committed under article VI, adopted at the 2000 Review Conference. This risks damaging the integrity of the non-proliferation regime. It also risks undermining the moral and humanitarian foundations that underpin the legitimacy of the NPT.

11. Statements adducing a strategic advantage for the security and defence needs of countries that possess nuclear weapons raise questions as to the justification of the legitimacy of the inequitable structure of the established nuclear order. If nuclear weapons provide for the security of wealthy countries and have made it possible to maintain stability, what then are the justifications for denying such benefits to other countries that could be the theatre of conflicts?

12. It would seem that the measures adopted thus far by nuclear-weapon States obey a rationale aimed at alleviating the nuclear threat rather than a prospect of real nuclear disarmament. Annex II of the Summary of the discussions of the Advisory Board on Disarmament Matters concerning specific measures that would significantly reduce the risk of nuclear war ([A/56/400](#) of 24 September 2001), rightly states that “all other attempts to reduce nuclear dangers by deterrence, defence, non-proliferation, physical security and technical controls are merely attempts at managing, but not eliminating, nuclear dangers”.

13. At the 2010 Treaty Review Conference, the States parties expressed their concern at the catastrophic humanitarian consequences of the use of nuclear weapons, and they reasserted the need for all States to comply at all times with applicable international law, including international humanitarian law. In reality, this is not a new issue: as early as 1961 the General Assembly had solemnly stated in its declaration 1653 that the use of nuclear weapons would cause mankind and civilization indiscriminate suffering and destruction. It is therefore contrary to the rules of international law and laws of humanity, specifying that the use of nuclear weapons should be considered as a violation of the Charter of the United Nations, as disrespect for the laws of humanity and as a crime against humanity and civilization. Furthermore, the first paragraph of the preamble of the NPT itself stresses that this is based on the need to avoid the devastations that a nuclear war would visit on all mankind.

14. Exchanges of opinion at the international conferences on the humanitarian impact of nuclear weapons held in Oslo (Norway) in 2012, in Nayarit (Mexico), and in Vienna (Austria) in 2014, nonetheless allowed for more certainty as to the devastating and irreversible effects of the use of nuclear weapons. Since then, the vast majority of the international community has been convinced of the overriding need to eliminate nuclear weapons for humanitarian reasons.

15. The report of the Open-ended Working Group tasked with developing proposals to take forward multilateral nuclear disarmament negotiations (document A/514 of 9 October 2013) describes a number of approaches aimed at shaking nuclear disarmament efforts out of their current lethargy. Moreover, resolution 68/32 on follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament envisaged measures aimed at adopting a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

16. Algeria considers that one of the best ways to move nuclear disarmament forward would be to establish a global framework based on a multilateral binding legal commitment to prohibit nuclear weapons and, at the same time, to commit nuclear-weapon States to totally eliminating those weapons. A commitment of this type would need to consist of a number of specific actions and binding instruments, with precise timetables for implementing the prohibition. A legal framework of this type would make it possible to bridge the existing structural and legal gaps, with the aim of de-legitimizing these weapons and imposing a propitious dynamic for achieving a nuclear-weapon-free world.

17. Among measures to be adopted to implement article VI, the rule to be established on the prohibition of nuclear weapons could be based on the measures referred to in paragraph 50 of the final document of the First Special Session on Disarmament in 1978, which was adopted by consensus, stipulating that “Nuclear disarmament will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification, aimed at the cessation of the qualitative improvement and development of nuclear weapons systems, cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes, and to establish a phased programme with agreed time frames, 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.”

18. In the present context, States parties must not get left behind by the dynamic that is starting to develop around the need to ban immoral weapons. A vast majority of the international community is entitled to ask what international moral requires the survival of mankind to be held hostage to dangerous doctrines, in which a simple fault could be fatal. The Review Conference should allow for reflection and discussions, in the framework of Main Committee I, on different approaches towards effective measures for making progress on nuclear disarmament, based on the deliberations of the Open-Ended Working Group tasked with developing proposals to take forward multilateral disarmament negotiations. Those discussions should also be taken into account in the final document and conclusions of the Conference.

19. The Review Conference aims to assure that the purposes of the preamble and the provisions of the Treaty are being realized. To break free from the paralysis that characterizes nuclear disarmament efforts, States parties, particularly those possessing nuclear weapons, should adopt practical disarmament measures to demonstrate their commitment to upholding the provisions of article VI of the Treaty and laying the foundations for solid international security. Continuation of the status quo and mere reaffirmation, once more, of the validity of the

commitments made previously in 2000 and 2010 would not be sufficient for the international community. On the contrary, it would risk undermining the credibility of the review process, eroding the integrity of the NPT itself, and discouraging its universalization.

20. The 2015 Review Conference provides an opportunity to assess what has been done since 2010 and to urge States to take effective measures, which are measurable and realizable in the framework of pre-agreed time frames, based on their previous commitments made in 1995, 2000 and 2010.

### **Recommendations**

21. Based on the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, in particular article VI thereof, and the resolutions and decisions of the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference, including the 13 practical steps on nuclear disarmament, and the 2010 NPT Review Conference action plan, Algeria wishes to submit the following recommendations for consideration by the Review Conference:

- Stress the role of the Treaty as a fundamental element of collective security.
- Reaffirm the role of the Treaty in attaining the following objectives:
  - Prevent the proliferation of nuclear weapons
  - Put an end to the arms race and achieve nuclear disarmament
  - Promote the peaceful use of nuclear energy
- Commit all States parties to fully respect all of the Treaty's provisions, in all circumstances; and stress that this would make it possible to consolidate international peace and security for all States parties.
- Express the serious concerns about the humanitarian consequences of the use of nuclear weapons, and take account of the conferences on the subject that have been held in Oslo (Norway) in 2013, and in Nayarit (Mexico) and Vienna (Austria) in 2014.
- Note, with regret, the lack of progress on nuclear disarmament. It should reaffirm the unequivocal commitment of 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.
- The Conference should take account of resolution 68/32 on follow-up to the high-level meeting of the General Assembly on nuclear disarmament of 26 September 2013.
- The final document of the Conference should take account of discussions on ways to achieve effective measures for moving nuclear disarmament forward. It should take into consideration efforts made in the Open-Ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations (document A/514 of 9 October 2013).
- The Conference should call on States parties to the Treaty to reaffirm their commitment to implementing the obligations assumed under article VI, and to take effective steps in the framework of systematic and progressive efforts to reduce and eliminate nuclear weapons, in implementation of the provisions of

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”.

- The Conference should reaffirm the validity of commitments on nuclear disarmament assumed at the 1995 Review and Extension Conference, the practical measures adopted at the 2000 Review Conference, including the 13 practical steps, and the plan of action adopted in 2010. It should commit nuclear-weapon States to speed up progress in implementing those measures according to the established timetable and to report thereon to States parties.
- The Conference should urge States parties to prohibit the development of new nuclear weapons or the production of new nuclear-weapon systems, in conformity with article VI of the Treaty; and it should urge all nuclear-weapon States to take measures to that end, and report thereon to States parties.
- The Conference should urge States parties to provide for the establishment of a phased programme with agreed time frames for the progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination within specified time frames, in the context of relevant legal instruments.
- The Conference should reaffirm the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and stress that the resolution remains valid until its aims and objectives are achieved. It should reaffirm that this represents an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended.
- The Conference should deeply deplore the fact that the decision adopted at the 2010 Review Conference, to the effect that the United Nations Secretary-General and the sponsors of the 1995 resolution would convene a conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, has not yet been achieved. The Conference should urge States parties, including the sponsors of the 1995 resolution, to take all necessary steps to facilitate the realization of the goals and objectives of the 1995 resolution.
- The Conference should urge States parties to consider the launch, within an established time frame, of a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissionable material for nuclear weapons and other nuclear explosive devices, taking into account the elements contained in report CD/1299 and its mandate, including the topic of stockpiles.
- The Conference should stress the urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, within an established time frame, and call on those Annex 2 States that have not yet ratified the Treaty to do so.
- The Conference should urge nuclear-weapon States to reaffirm their commitment to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies, and to take steps to further downgrade and ultimately eliminate their uses in policies and security and to report thereon to the preparatory committees.

- The Conference should urge non-nuclear-weapon States who are members of a nuclear alliance, or under a nuclear umbrella, to identify the specific measures they will take to reduce the role and importance of nuclear weapons in their security and defence policies and doctrines and notify the preparatory committees thereof.
  - The Conference should urge all States parties to refrain from any statement that adduces a positive role for nuclear weapons in preserving international security and stability.
  - The Conference should reaffirm the right of non-nuclear-weapon States to credible security assurances to ensure their security and sovereignty against the use, or threat of the use, of nuclear weapons, while awaiting nuclear disarmament. Similar measures would be very important for strengthening nuclear non-proliferation.
  - In that regard, the Conference should urge nuclear-weapon States to reaffirm undertakings in respect of security safeguards for non-nuclear-weapon States against the use of nuclear weapons, and urge States parties to facilitate the conclusion of a legally binding international instrument whereby nuclear-weapon States undertake, in all circumstances and whatever the conditions, not to use or threaten to use nuclear arms against non-nuclear-weapon States. Any such instrument cannot threaten the security of any State.
  - The Conference should call on States parties to work with determination through the United Nations, including the Conference on Disarmament, to move forward negotiations on effective measures of nuclear disarmament taking account of the principles of verification, transparency and irreversibility.
  - Reiterate the importance of reporting to States parties on the implementation of article VI of the NPT and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament.
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