Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 March 2019

Original: English

Third session
New York, 29 April–10 May 2019

Nuclear disarmament

Working paper submitted by the Islamic Republic of Iran

1. Nuclear weapons are unique in their destructive power. They cause unspeakable human suffering. The effects of any use of nuclear weapons are uncontrollable and indiscriminate. The existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on Earth. Some 15,000 such weapons remain, with thousands of them on high-alert status or subject to "first use" nuclear doctrines. A nuclear conflict could bring an end to our civilization. Thus, the nuclear weapons of nuclear-weapon States parties constitute the greatest threat to international peace and security and to the survival of humankind.

2. To remove the threat of the annihilation of humankind arising from the existence of nuclear weapons, the international community has long recognized that there is no alternative other than proceeding to nuclear disarmament and the total elimination of nuclear weapons as the only absolute guarantee against their use or the threat of their use. Based on this conviction, the Treaty on the Non-Proliferation of Nuclear Weapons is not an end in itself, but only a means to an end, which is the achievement of nuclear disarmament. This means that even the objective of non-proliferation of nuclear weapons derives its legitimacy from the larger objective of nuclear disarmament.

3. Not only have the parties to the Treaty declared, in its preamble, their intention to undertake effective measures in the direction of nuclear disarmament and urged "the cooperation of all States in the attainment of this objective", but each of them has also undertaken, under article VI, "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". Achieving nuclear disarmament is in the interest of ensuring genuine security and a peaceful future for all the nations and peoples of the world.

4. In its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, the International Court of Justice unanimously concluded 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 advisory opinion unambiguously confirmed the legal obligation of the nuclear-weapon States with regard to nuclear disarmament.

19-04101 (E) 190319

5. As unanimously concluded by the International Court of Justice in its advisory opinion of 8 July 1996, “the legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result – nuclear disarmament in all its aspects – by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith”. The unconditional nature of the nuclear disarmament obligation under article VI has been reiterated in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

6. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in its decision 2, concluded that “the undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should be fulfilled with determination”. The 2000 Review Conference agreed on 13 practical steps to implement article VI of the Treaty, which included “an unequivocal undertaking by the 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 2010 Review Conference agreed on a 22-point “action plan on nuclear disarmament, which includes concrete steps for the total elimination of nuclear weapons”.

7. Despite the existence of a 49-year-old explicit legal obligation regarding nuclear disarmament and the commitments made in the context of the Review Conferences of the Parties to the Treaty to make progress on the implementation of article VI, the objective of that article remains unfulfilled.

8. While the Treaty requires all its parties to undertake negotiations in good faith on nuclear disarmament, those negotiations have never taken place in the 49-year history of the Treaty. The nuclear-weapon States parties to the Treaty, by not actively pursuing or participating in negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, have breached and continue to breach their legal duty to perform their obligations under the Treaty in good faith. Consequently, the achievement of the objective of nuclear disarmament appears to be as far away today as it was in 1970, when the Treaty entered into force, or even farther away. The persistence of this situation has undermined the trust and confidence of non-nuclear-weapon States in the Treaty and its capacity to realize the promise of nuclear disarmament.

9. The implementation of article VI is essential to the maintenance of the Treaty and its credibility. The indefinite retention of nuclear weapons is illegitimate and in contravention of the purpose and object of the Treaty.

10. Undertaking urgent and effective measures aimed at nuclear disarmament and the complete elimination of nuclear weapons should have the highest priority in the 2020 Review Conference. The Conference should call for urgent compliance with legal obligations and the fulfilment of commitments on nuclear disarmament.

11. The nuclear-weapon States, in particular those that possess the most important nuclear arsenals, have the primary responsibility for achieving nuclear disarmament. The political will and nuclear policy of those nuclear-weapon States have a determining impact on the prospects of the Treaty’s success or failure in achieving the objective of nuclear disarmament.

12. The nuclear policy of the United States, known as the Nuclear Posture Review, is fully and fundamentally incompatible with its obligations under the Treaty and its commitments in the context of the Treaty’s Review Conferences. It emphasizes the utility of retaining nuclear weapons indefinitely; advocates the first use of such weapons; threatens to use them against non-nuclear-weapon States; and pursues the development of new types of low-yield nuclear weapons. The nuclear policies of the

United States violate action 1 of the action plan agreed upon by the 2010 Review Conference, which provides that all States parties commit to pursuing policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

13. Some nuclear-weapon States have dangerously increased their reliance on nuclear weapons and expanded the role of such weapons in their military concepts and doctrines, in violation of their commitment, at the 2000 and 2010 Review Conferences, to diminishing the role and significance of nuclear weapons in their military and security doctrines and policies. For instance, the United States continues to insist that deterring nuclear attacks is not the sole purpose or mission of its nuclear weapons and threatens to use them not only against nuclear-weapon States, but also against non-nuclear-weapon States.

14. Certain nuclear-weapon States are engaged in massive nuclear weapon modernization projects. They are also developing new types of nuclear weapons for new military missions. For instance, the United States plans to spend $1.2 trillion in 30 years on a tremendous build-up and modernization of its nuclear arsenal. Such long-term modernization and build-up of nuclear weapons presents a dangerous obstacle to the nuclear disarmament process.

15. Decommissioning nuclear weapons in the process of unilateral or bilateral reductions is not nuclear disarmament. Most of the warheads subject to reduction have only been moved from operational status to various reserve, inactive or contingency categories, since concerned agreements, including the Strategic Arms Reduction Treaty, have not only failed to require the destruction of warheads but have also ignored non-strategic and non-deployed warheads. Thus, most of the more than 125,000 nuclear warheads that have been built since 1945 continue to exist. This signifies that the principle of irreversibility, as agreed upon in the successive Review Conferences of the Treaty, has not been applied to such reductions.

16. Reductions in the number of nuclear weapons have not led to a reduction in their destructive power and capacity in comparison with that of the Cold War era. The yield of nuclear weapons has been increased from kilotons to megatons through the replacement of atomic bombs (A-bombs) with hydrogen bombs (H-bombs), which are thousands of times more destructive. As a result, most existing nuclear weapons would explode with a force roughly 8 to 100 times greater than that of the bombs dropped on Hiroshima and Nagasaki.

17. Non-strategic (tactical) nuclear weapons are designed for battlefield contingencies. Therefore, the probability of their use is much greater than that of strategic nuclear weapons. It is a matter of serious concern that the development of new types of such weapons continues unabated, which increases the possibility and risk of their use. The 2010 action plan on nuclear disarmament “affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons”. Likewise, by virtue of the plan, “the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons”. So far, the nuclear-weapon States have not abided by this commitment.

18. Taking into account the current stalemate in the implementation of nuclear disarmament obligations and commitments, and in line with action 5 of the 2010 action plan on nuclear disarmament, under which it was decided to consider, during the subsequent Review Conference, “the next steps for the full implementation of article VI”, the 2020 Review Conference should take concrete decisions on nuclear disarmament so as to stop the ever-deepening frustration of the non-nuclear-weapon States, prevent the continuous erosion of the credibility of the Treaty and end the situations undermining the effectiveness of this important instrument.

19. To this end, the Preparatory Committee for the 2020 Review Conference, at its third session, should recommend:

(a) Recognizing the extreme threat of the continued existence of nuclear weapons;

(b) Expressing deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons;

(c) Acknowledging that the implementation of obligations under article VI of the Treaty is not conditional;

(d) Reaffirmation by the nuclear-weapon States that they have an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament;

(e) Reaffirming the continued validity of nuclear disarmament commitments agreed upon in the previous Review Conferences;

(f) Stressing the urgent need for the nuclear-weapon States to fulfil with determination the nuclear disarmament obligations agreed to in the Final Documents of the 2000 and 2010 Review Conferences;

(g) Expressing deep regret and concern over the lack of progress by the nuclear-weapon States in accomplishing the total elimination of their nuclear arsenals in accordance with their relevant multilateral legal obligations;

(h) Reiterating that the implementation of article VI is essential to the maintenance of the Treaty and its credibility;

(i) Underlining that the continued non-compliance with the nuclear disarmament obligations presents the most serious challenge to the viability of the Treaty;

(j) Committing all nuclear-weapon States to a declaration in the Final Document of the Review Conference that they do not intend to retain their nuclear weapons indefinitely in contravention of the purpose and object of the Treaty;

(k) Committing all nuclear-weapon States to refrain from pursuing policies inconsistent with their obligations under article VI of the Treaty;

(l) Committing all nuclear-weapon States to cease completely and immediately all plans aimed at upgrading and refurbishing their existing nuclear weapons and their means of delivery, developing new types of nuclear weapons systems and their means of delivery, and constructing any new facility for the development, deployment and production of nuclear weapons and their means of delivery at home and abroad;

(m) Committing all nuclear-weapon States to end the deployment of nuclear weapons outside of their territories;

(n) Committing to applying the principles of transparency, irreversibility and verifiability in nuclear weapons reductions;

(o) Committing to deep and verifiable reductions in, and elimination of, non-strategic nuclear weapons as part of the process of pursuing the objectives of article VI;

(p) Committing to the commencement of urgent negotiations and early conclusion of a comprehensive nuclear weapons convention as a matter of the highest priority in the Conference on Disarmament.