

2020 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

1. Nuclear disarmament remains one of the highest priorities of the international community, as nuclear weapons continue to represent the most serious threat to humankind and to the survival of civilization. Today, 75 years after the adoption, on 24 January 1946, of the very first General Assembly resolution on the elimination of nuclear weapons, this threat remains undiminished, if not even more dangerous and devastating in its humanitarian impact.

2. Five decades after its entry into force, the Treaty on the Non-Proliferation of Nuclear Weapons remains the cornerstone of the nuclear non-proliferation and disarmament regime, and is thus a fundamental element of collective security aimed at containing the nuclear threat on the basis of mutual responsibilities and rights:

- Non-nuclear-weapon States parties have undertaken not to acquire nuclear weapons, pursuant to articles II and III of the Treaty;
- In exchange, nuclear-weapon States have undertaken to fully eliminate their nuclear weapons, pursuant to article VI of the Treaty, in which each State party is called upon 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 expressly recognized 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”;
- In addition, nuclear-weapon States have made and reaffirmed a commitment that non-nuclear-weapon States could rely on negative security assurances against the use or threat of use of such weapons;
- The Treaty also guarantees the inalienable right of States parties to use nuclear energy for peaceful purposes.

3. At the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, non-nuclear-weapon States permanently renounced the nuclear option by agreeing to extend the Treaty indefinitely under decision 3, after nuclear-weapon States had reaffirmed their respect for the principles and objectives of nuclear non-proliferation and disarmament under principle 4 of decision 2 of the Conference. The commitments related to nuclear disarmament made under the Treaty on the Non-Proliferation of Nuclear Weapons must therefore be firmly upheld.



4. As part of systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, States parties agreed on 13 practical steps at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
5. At the 2010 Review Conference, States parties reached consensus on an action plan, in which they stressed the urgent need for nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference.
6. Full compliance with all provisions of the Treaty on a universal basis would help to consolidate international peace and to strengthen the security of all States parties, thereby safeguarding the survival of humankind.
7. One way to strengthen and help universalize the Treaty would be to achieve concrete results in the implementation of article VI on nuclear disarmament.
8. Presently, more than 50 years after the Treaty's entry into force and more than 25 years after its indefinite extension, it must be acknowledged that nuclear disarmament remains an unfulfilled objective: article VI of the Treaty has still not been implemented and, in the absence of a comprehensive approach based on a binding legal commitment and predefined time frames, the practical steps adopted in 2000 and those set out in the 2010 action plan on nuclear disarmament have yet to be taken.
9. Significant reductions in nuclear weapons have been achieved through bilateral agreements and unilateral measures adopted by nuclear-weapon States. However, the scope of such measures has been too limited to launch a true nuclear disarmament process, for the following reasons:
 - Nuclear weapons continue to play a central role in the national security and defence policies of nuclear-weapon States and of those that practise nuclear deterrence within the framework of nuclear alliances or umbrellas;
 - Such weapons are also viewed as a factor of strategic stability;
 - Substantial inventories of deployed and stockpiled nuclear weapons still exist;
 - Nuclear Powers are pursuing programmes to modernize and upgrade their nuclear arsenals.
10. This situation is not compatible with the objectives of the Treaty and the related commitments, in particular “the 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”, adopted at the 2000 Review Conference.
11. It would seem that the steps taken thus far by nuclear-weapon States are based more on the premise of mitigating the nuclear threat rather than on the prospect of real nuclear disarmament. In annex II of the summary of the discussions of the Advisory Board on Disarmament Matters on specific measures that would significantly reduce the risk of nuclear war ([A/56/400](#) of 24 September 2001), it is rightly stated that “all other attempts to reduce nuclear dangers by deterrence, defence, non-proliferation, physical security and technical controls are attempts at managing, but not eliminating, nuclear dangers”.
12. At the 2010 Review Conference, States parties expressed their deep concern at the catastrophic humanitarian consequences of the use of nuclear weapons, and reaffirmed the need for all States to comply at all times with applicable international law, including international humanitarian law. This issue was raised in 1961, when the General Assembly solemnly stated, in its Declaration on the Prohibition of the

Use of Nuclear and Thermonuclear Weapons (resolution 1653 (XVI)), that the use of nuclear weapons would cause humankind and civilization indiscriminate suffering and destruction. It is therefore contrary to the rules of international law and the laws of humanity, specifying that the use of such weapons is to be considered as a violation of the Charter of the United Nations, as an act contrary to the laws of humanity and as a crime against humankind and civilization. Furthermore, the first paragraph of the preamble to the Treaty itself indicates that it is based on the need to avoid the devastation that a nuclear war would visit on all humankind.

13. At the international conferences on the humanitarian impact of nuclear weapons held in Oslo in March 2013, in Nayarit (Mexico) and in Vienna in 2014, the certainty of the devastating and irreversible effects of the use of nuclear weapons was established more clearly. Since then, the vast majority of the international community has been convinced of the overriding need to eliminate nuclear weapons for humanitarian reasons.

14. Algeria considers that one of the most viable ways to advance nuclear disarmament would be to establish a global framework based on a binding multilateral legal commitment to prohibit nuclear weapons and to ensure that nuclear-weapon States undertake to fully eliminate such weapons. Such a commitment should consist of a number of specific actions and binding instruments, with precise time frames for the implementation of the prohibition. The resulting legal framework would help to bridge structural and legal gaps, with a view to delegitimizing such weapons and facilitating the achievement of a nuclear-weapon-free world.

15. Algeria welcomes the adoption in 2017 and the entry into force on 22 January 2021 of the Treaty on the Prohibition of Nuclear Weapons, and considers it an important milestone in the achievement of the objectives of nuclear disarmament that strengthens the international nuclear disarmament and non-proliferation regime by filling the legal vacuum with regard to the prohibition of nuclear weapons.

16. The prohibition on nuclear weapons established in the Treaty on the Prohibition of Nuclear Weapons could be in line with the approach described in paragraph 50 of the Final Document of the first special session on disarmament of 1978, adopted by consensus, which stipulates that “the achievement of nuclear disarmament will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification, aimed at: (a) the cessation of the qualitative improvement and development of nuclear-weapon systems; (b) the 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; (c) the establishment of a comprehensive, phased programme with agreed time frames, whenever feasible, 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”.

17. In the current context, States parties should not remain on the sidelines of the initiatives taken to advance the prohibitions on these immoral weapons, as established under the Treaty on the Prohibition of Nuclear Weapons. A vast majority of the international community is entitled to ask which international moral requires the survival of humankind to be held hostage to dangerous doctrines, in which a simple misstep could be fatal. The Review Conference should provide an opportunity for discussions in Main Committee I on various approaches regarding effective measures to advance nuclear disarmament, taking into account the momentum created by the Treaty’s entry into force.

18. The current challenges posed by the coronavirus disease (COVID-19) crisis and its unprecedented impact at all levels provide an opportunity to consider the lessons learned from that situation, particularly with regard to the common destiny of humankind and the security of societies in the broadest sense.

19. The Review Conference aims to assure that the purposes of the preamble and the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons 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 article VI of the Treaty and laying the foundations for solid international security. Prolonging the status quo and merely reaffirming, yet again, the validity of the commitments made previously in 2000 and 2010 would not be sufficient for the international community. On the contrary, that approach would risk undermining the credibility of the review process and eroding the integrity of the Treaty regime.

20. The tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons thus provides an opportunity to assess what has been done to date and to urge States to take effective measures, which are measurable and achievable in the context of previously agreed time frames, based on the Treaty and on commitments undertaken 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 action plan adopted by the 2010 Review Conference, Algeria wishes to submit the following recommendations for inclusion in the final document of the Conference:

- The Conference should underscore the role of the Treaty as a fundamental element of collective security;
- The Conference should 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;
- The Conference should urge all States parties to fully respect all of the Treaty's provisions, in all circumstances, and stress that doing so would make it possible to consolidate international peace and the security of all States parties;
- The Conference should express grave concern about the humanitarian consequences of the use of nuclear weapons and take into account the conferences on the subject that have been held in Oslo in 2013, and in Nayarit and Vienna in 2014;
- The Conference should note with dismay the lack of progress on nuclear disarmament, in particular within the framework of the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference should reaffirm the unequivocal commitment of nuclear-weapon States to achieve the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States parties have committed under article VI;
- The Conference should take into account General Assembly resolution [75/45](#) on follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament;
- The final document of the Conference should take into account discussions on ways to implement effective measures for making progress on nuclear disarmament. It should also take into consideration the new momentum

generated by the entry into force of the Treaty on the Prohibition of Nuclear Weapons, which constitutes an important milestone in the achievement of objectives related to nuclear disarmament and non-proliferation;

- The Conference should urgently call on States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to reaffirm their commitment to implementing the obligations assumed under article VI, and to take effective steps in the context of systematic and progressive efforts to reduce and eliminate nuclear weapons, in implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament;
- The Conference should reaffirm the validity of commitments on nuclear disarmament undertaken at the 1995 Review and Extension Conference, the practical measures adopted at the 2000 Review Conference, including the 13 practical steps, and the action plan adopted in 2010. It should urge nuclear-weapon States to commit to accelerate progress in implementing those measures according to the established time frame and to report to States parties on the progress achieved;
- The Conference should urge States parties to prohibit the development of new nuclear weapons or the production of new nuclear-weapon systems, in accordance with article VI of the Treaty, and it should urge all nuclear-weapon States to adopt measures to that end, and report to States parties on the measures adopted;
- 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 accordance with the 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 the resolution is an essential element of the compromise reached at the 1995 Conference, on the basis of 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 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 yet to be implemented. The Conference should urge States parties, including the sponsors of the 1995 resolution, to take all necessary steps to facilitate the realization of the objectives of the 1995 resolution;
- The Conference should underscore the importance of the process launched following the adoption of General Assembly decision 73/546, pursuant to which the Secretary-General convened the first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction. That Conference was held in November 2019, 45 years after this item was placed on the agenda of the General Assembly;
- The Conference should urge States parties to consider the launch, within an established time frame, of negotiations on a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, taking into account the contents of report [CD/1299](#) and the mandate contained therein, including the issue 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 discontinue their use in policies and security and to report to the Preparatory Committee on the steps taken;
- The Conference should urge non-nuclear-weapon States that are members of a nuclear alliance or under a nuclear umbrella to identify the specific measures they will adopt to reduce the role and importance of nuclear weapons in their security and defence policies and doctrines and report to the Preparatory Committee on the measures adopted;
- The Conference should urge all States parties to refrain from making any statement that depicts positively the role of 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 use, of nuclear weapons, while awaiting nuclear disarmament. Similar measures would be vital to strengthening nuclear non-proliferation;
- In that regard, the Conference should urge nuclear-weapon States to reaffirm the commitments undertaken in respect of security assurances 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 weapons against non-nuclear-weapon States. Any such instrument may not threaten the security of any State;
- The Conference should call on States parties to work resolutely through the United Nations, including the Conference on Disarmament, to move forward negotiations on effective nuclear disarmament measures, taking into account the principles of verification, transparency and irreversibility;
- The Conference should reiterate the importance of reporting to States parties on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraphs 3 and 4 (c) of decision 2 of the 1995 Review and Extension Conference on principles and objectives for nuclear non-proliferation and disarmament.
