

# A Nuclear Weapons Convention and the NPT: Diversion or Enabler?

Would a focus on the proposed Nuclear Weapons Convention  
draw attention away from – and weaken - the Non-Proliferation Treaty,  
or  
would a focus on the Nuclear Weapons Convention  
strengthen and implement the NPT?



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# A Nuclear Weapons Convention and the NPT: Diversion or Enabler?

*Alyn Ware, Director of Aotearoa Lawyers for Peace*

## A: Introduction

The nuclear Non-Proliferation Treaty is generally considered to be a cornerstone of the current non-proliferation regime and the foundation for building a nuclear weapons free world. On the non-proliferation side it upholds an obligation by 184 countries not to acquire nuclear weapons and to accept international safeguards to prevent acquisition. On the disarmament side, it contains the only legally binding commitment on the five Nuclear Weapon States (States that are party to the Treaty and possess nuclear weapons) to pursue nuclear disarmament negotiations.

On the other hand, the NPT has been unsuccessful in preventing States outside of the treaty – India, Pakistan and Israel – from acquiring nuclear weapons. Nor is it able to prevent States acquiring nuclear technology assistance as parties to the treaty, and then withdrawing to pursue a nuclear weapons programme – as North Korea has done. Nor has the treaty been successful in ensuring implementation of the nuclear disarmament obligation.

Following the International Court of Justice decision in 1996, which affirmed a universal obligation to pursue and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control, the United Nations General Assembly called for the commencement of negotiations that would culminate in a Nuclear Weapons Convention (NWC) prohibiting the production, acquisition, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their complete elimination under a phased program.

At the 2000 NPT Review Conference, Malaysia and Costa Rica introduced a working paper calling for the implementation of the nuclear disarmament obligation through the commencement of negotiations that would culminate in a NWC. However, this was not agreed by all States Parties to the NPT. Instead, they agreed to a more limited package of 13 disarmament steps which would reduce reliance on nuclear weapons and which could ‘facilitate the process of elimination.’

The NPT Review Conferences traditionally make decisions by consensus, so the 13 disarmament steps represent what was agreeable at that time by

all States Parties including those that continue to rely on nuclear weapons. Even with such unanimous agreement, there has been little or no implementation of these steps since 2000.

The NWC approach reaches further and aims for the total abolition and elimination of nuclear weapons even though some countries are not yet prepared to abandon their nuclear weapons and doctrines for use. This is more consistent with recent calls for outlawing nuclear weapons (e.g. from the Commission on Weapons of Mass Destruction), for the abolition of nuclear weapons (e.g. from the UK Foreign Secretary’s policy speech to a Carnegie conference in 2007), and for the abandoning of the policy of mass retaliation and the achievement of a nuclear weapons free world (US former high-level officials Henry Kissinger, Sam Nunn, George Shultz and William Perry).

Thus, the question is whether it is best for States to continue to focus solely on the NPT and the 13 steps agreed in 2000, or whether a widening of focus to embrace the NWC would be more effective? Would a focus on a NWC divert attention and political impetus from the achievement of specific disarmament steps outlined in the 2000 NPT agreement, or would it enable such steps to be achieved more quickly as part of a more comprehensive process for the achievement of a nuclear weapons convention?

This paper examines the connection between the NPT and the NWC, explores the political dynamics which have prevented the NPT from achieving universality and from being able to implement the disarmament obligation, and concludes that a focus on a NWC would assist in the implementation of the NPT and in the achievement of a regime for the abolition and elimination of nuclear weapons.

*A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion.*

*Weapons of Mass Destruction Commission, 2006*

## B: Connection between the NWC and the NPT

There is a very close relationship between the proposed Nuclear Weapons Convention and existing nuclear non-proliferation and disarmament instruments – particularly the nuclear Non-Proliferation Treaty.

### 1) United Nations General Assembly resolution.

The principal call for negotiations that would lead to a nuclear weapons convention (NWC) is made annually by the United Nations General Assembly. The resolution is entitled *Follow-up to the International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*.<sup>i</sup>

In its pre-ambular paragraphs (those explaining the basis of the resolution) it affirms Article VI of the NPT, recalls the decisions taken by the NPT Review and Extension Conference in 1995, emphasises key decisions taken by the NPT Review Conference in 2000 including the 13 disarmament steps, and stresses the importance of strengthening all existing nuclear-related disarmament and arms control measures.

In its operative paragraphs (calling for action) it focuses on the nuclear disarmament obligation arising from NPT Article VI and affirmed unanimously by the International Court of Justice (ICJ). It then calls for implementation of this obligation through negotiations that would lead to the conclusion of a nuclear weapons convention that would prohibit the development, production, testing, transfer, use and threat of use of nuclear weapons and provide a phased programme for their elimination.

The UN General Assembly resolution is thus linked clearly and comprehensively to the NPT.

### 2) Model Nuclear Weapons Convention

In 1997 Costa Rica submitted a Model Nuclear Weapons Convention to the United Nations General Assembly (UN Doc A/C.1/52/7<sup>ii</sup>) as a tool to assist the process for implementation of the ICJ Advisory Opinion, the NPT Article VI and the UN resolution. In 2007 this Model Nuclear Weapons Convention was updated and then submitted to the NPT Preparatory Committee Meeting in Vienna (NPT/CONF.2010/PC.I/WP.17<sup>iii</sup>) and the United Nations General Assembly (UN Doc A/62/650<sup>iv</sup>).

The Model Nuclear Weapons Convention is also intrinsically and intimately connected to both the

disarmament and non-proliferation aspects of the NPT.

The Preamble to the Model NWC, for example, specifically recalls Article VI of the NPT and the results of the 1995 and 2000 Review Conferences. The articles of the Model NWC make these connections more specific, as discussed in NPT working paper NPT/CONF.2005/WP.41<sup>v</sup> and also described briefly in section B:3 below.

On the non-proliferation side, the verification measures in the Model NWC, for example, are built upon the verification measures required by the NPT and implemented by the International Atomic Energy Agency. Another example is the prohibition on transfer of nuclear weapons in the NPT, which is included and strengthened in Articles I:1:c (General Obligations of States) and I:5 (General Obligations of Persons) of the Model NWC.

***The NPT process has been limping - has been fragile, for many years now. The last Review Conference ended basically in failure. The World Summit in 2005 ended without a single line of agreement on any issue relating to non-proliferation or disarmament. So it's all hands to the tiller: every possible international initiative or support process that can help this process along is hugely important.***

Gareth Evans, Co-Chair, International Commission on Nuclear Non-Proliferation and Disarmament, June 2008

In order to reaffirm its support for and connection to the NPT, the Model NWC states categorically that “Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under...the Treaty on the Non-Proliferation of Nuclear Weapons” It also states that “Nothing in this Convention shall be interpreted as in any way limiting or detracting from the verification arrangements, assumed by any State under the Comprehensive Nuclear Test Ban Treaty, or under safeguards agreements and additional protocol agreements with the International Atomic Energy Agency.”

### 3) NPT Review Conferences and Prep Coms.

The role of the NWC in supporting the NPT has been summarised in a working paper submitted to the 2000 NPT Review Conference (NPT/CONF.2000/MC.I/SB.I/WP.4<sup>vi</sup>) and is

described more comprehensively in the working paper submitted to the 2005 NPT Review Conference (NPT/CONF.2005/WP.41). This latter paper shows how the Model Nuclear Weapons Convention incorporates the disarmament measures which States parties to the NPT agreed in 1995 and 2000 to be the first steps towards implementation of Article VI. The working paper also notes that the Model NWC incorporates additional measures to ensure the full implementation of Article VI, which was clarified by the International Court of Justice to include “nuclear disarmament in all its aspects under strict and effective international control.”

***The Model Nuclear Weapons Convention includes disarmament steps agreed in the final document of the NPT Review Conference of 1995... It also includes disarmament steps agreed in the final document of the NPT Review Conference of 2000. It expands on the 2000 NPT agreement in order to explore the additional elements that would be required to achieve and maintain a nuclear-weapon-free world.***

2007 NPT Working Paper 17 submitted by Malaysia and Costa Rica.

In submitting the Model NWC to the NPT Prep Com in 2007, Costa Rica and Malaysia made some additional comments about the role of the NWC in implementation of the NPT:

*“The Model Nuclear Weapons Convention includes disarmament steps agreed in the final document of the NPT Review Conference of 1995, such as a prohibition of nuclear testing, an end to production of fissile materials for military purposes and systematic steps towards nuclear disarmament.*

*It also includes disarmament steps agreed in the final document of the NPT Review Conference of 2000, such as an unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals, concrete agreed measures to further reduce the operational status of nuclear-weapon systems, steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, the principle of irreversibility to apply to nuclear disarmament, and development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.*

*The Model Nuclear Weapons Convention expands on the 2000 NPT agreement in order to explore the additional elements that would be required to achieve and maintain a nuclear-weapon-free world.”<sup>vii</sup>*

### **C. An NWC can ensure full implementation of the NPT**

The NPT by itself is insufficient to achieve nuclear non-proliferation and disarmament, or even some of the steps toward nuclear disarmament. This has been recognised by States Parties to the NPT who have undertaken negotiations on additional supportive measures such as the Strategic Arms Reduction Treaties, the Comprehensive Nuclear Test Ban Treaty, the International Convention on the Suppression of Acts of Nuclear Terrorism, and UN Security Council Resolution 1540. States Parties to the NPT have also called for negotiations on additional instruments such as a fissile materials treaty. A NWC would link these measures and develop additional measures to ensure the complete implementation of Article VI of the NPT – something the NPT has been unable to achieve by itself in the 38 years of its existence.

In some ways the relationship between the NPT and a NWC is similar to the relationship between the Geneva Gas Protocol of 1925 and the Chemical Weapons Convention. The Geneva Gas Protocol prohibited the use of chemical weapons but provided no mechanism for implementation. Thus chemical weapons remained in the stockpiles and military doctrines of a number of countries for many years. It took the 1993 Chemical Weapons Convention to develop the mechanisms for implementing the prohibition and for providing a phased program for the elimination of existing stockpiles.

Like the Geneva Gas Protocol, the NPT Article VI obligation is not self-implementing. It will require the adoption of clear prohibitions on the use, threat to use, and acquisition of nuclear weapons, as well as negotiations on the phased reduction and elimination of stockpiles, and the establishment of mechanisms to verify and ensure compliance with this.

It is true that negotiations on complete nuclear disarmament may take some time – just as the negotiations on the Chemical Weapons Convention took some time. Thus, the promoters of the NWC suggest that specific disarmament steps that are part of the NWC could be agreed upon and implemented early in the negotiations prior to the completion of the entire treaty. This is the usual practice for complex negotiations.

Further discussion on the NWC and its relationship to the NPT and other international instruments can be found in *Securing our Survival: The Case for a Nuclear Weapons Convention*.<sup>viii</sup>

## D: An NWC would help achieve universality of the NPT

With regard to NPT universality, the remaining States that are not Parties to the NPT refuse to join unconditionally as non-nuclear countries. From their perspective, the NPT is a discriminatory treaty which requires less of five States (those that tested nuclear weapons prior to 1970) than of any others. Under the NPT, non-NWS are required to accept IAEA safeguards on all nuclear facilities. This is not required of the five Nuclear Weapon States. In addition, the five NWS are not prohibited from possessing nuclear weapons or from assisting each other in the development of nuclear weapons. Such actions are prohibited for all other States.

The Nuclear Weapons Convention provides a non-discriminatory approach. The general obligations apply equally to all States. This is one reason why India, Pakistan and North Korea all support a NWC even though they are ambivalent about the NPT.

So while it may be unrealistic to expect these States to join the NPT unconditionally as non-NWS, it would not appear unrealistic to expect them to join negotiations on a NWC.

The aim of such negotiations, as mentioned previously, would not be to provide an alternative to the NPT, but rather to develop an additional instrument that would build upon the NPT and other nuclear non-proliferation and disarmament measures. It would thus be sensible to connect NWC negotiations closely with the ongoing efforts to implement and strengthen the NPT.

The 2005 NPT working paper on a NWC thus provides a mechanism for linking NWC negotiations with the NPT Review Process and to engage these States not Parties to the NPT in such negotiations. The negotiating process would culminate in these States having to accept the same obligations as non-nuclear weapon States parties to the NPT.

There is one State outside the NPT, i.e. Israel, that does not currently support the NWC. The Model NWC provides a process for also engaging Israel by dealing with restrictions on proscribed nuclear material rather than having to declare weapons stockpiles, which Israel is currently reluctant to do, and by the provision of positive security assurances to replace reliance on nuclear weapons (something which could also assist the Middle East peace process).

## E: Next step or a comprehensive process?

Arms control and disarmament does not occur in a political vacuum. In order to overcome the strong political forces which have produced certain weapons systems, there needs to be a significant political sea-change and/or the investment of considerable political capital by those desiring change for progress to be made.

The Landmines Convention, for example, was made possible by a wave of publicity on the human suffering caused by such weapons and the engagement of public figures such as Princess Diana.

The Cluster Munitions Convention was made possible due to intense global reaction to Israel's perverse use of such weapons in the closing days of their conflict with Lebanon.

In the area of Weapons of Mass Destruction, public awareness and aversion to such weapons has not been sufficient to bring about their abolition. With regard to chemical weapons, it was not until the militaries of the two superpowers at the time decided that the weapons were militarily unusable that the convention was able to be negotiated. With regard to nuclear weapons, even the aversion of militaries to their use has not been strong enough to overcome the strong political attachment to such weapons. Thus, progress to date on nuclear disarmament has only been possible in small steps – such as reductions in numbers and the prohibition of nuclear testing.

### Engaging States not party to the NPT

*What we should be trying to do is create a framework in which, rather than being outside, these guys (States not party to the NPT) once again become insiders. That may mean thinking about a whole new nuclear weapons treaty which builds upon and creates a new framework around the existing Non-Proliferation Treaty, Comprehensive Test Ban Treaty, together with the fissile materials ban that's being negotiated or proposed to be negotiated at the moment – bringing all those threads together and creating a new environment in which you don't have the perceived discrimination that exists at the moment within the NPT between the nuclear haves and have nots, where you don't have outsiders and don't have insiders, but have a whole new approach to bringing these threads together.*

Gareth Evans, Co-Chair, International Commission on Nuclear Non-Proliferation and Disarmament, June 2008



The question now is whether the step-by-step approach remains the correct approach, or whether the time has come for a comprehensive approach.

Those advocating a step-by-step approach argue that there is a general agreement amongst States on the next disarmament steps – a Comprehensive Nuclear Test Ban Treaty, treaty on fissile materials, reducing the operational readiness to use nuclear weapons and further reductions in the numbers of nuclear weapons – and that such agreement provides the possibility for progress.

Those that advocate a comprehensive approach argue that progress on any disarmament step will be slow and will have little real impact if the nuclear weapon States still subscribe to doctrines for the use, and threat of use, of nuclear weapons. As long as nuclear deterrence remains a fundamental component of security doctrines, those governments subscribing to this will be unwilling to undermine their capacity to threaten or use nuclear weapons and so will only take such steps that do not hinder this capacity. They were thus ready to negotiate a CTBT, for example, only when they had developed other methods for testing nuclear weapons. Similarly, the NWS with large stockpiles of fissile materials are ready to negotiate a fissile material cut-off treaty, but those with low stockpiles are resisting until they build up their stockpiles. And finally, reductions in stockpiles have taken place, but only because the remaining arsenals are capable of destruction on a massive scale.

*“What we need is both vision - a scenario for a world free of nuclear weapons - and action... Would he (William Wilberforce) have achieved half as much, would he have inspired the same fervour in others if he had set out to 'regulate' or 'reduce' the slave trade rather than abolish it? I doubt it.”*

Margaret Beckett, speaking as UK Foreign Secretary, June 2007.

In order to undertake meaningful steps, the NWS will need to abandon their nuclear doctrines and aim instead for security relationships in which the threat or use of nuclear weapons is not considered necessary. The aim must go beyond the next steps and focus instead on how to realistically achieve a nuclear weapons free world. The validity of this comprehensive approach has been recognised by the UK as indicated in the policy speech by then foreign secretary Margaret Beckett in June 2007.

*“What we need is both vision - a scenario for a world free of nuclear weapons - and action...When William Wilberforce began his famous campaign, the practice of*

*one set of people enslaving another had existed for thousands of years. He had the courage to challenge that paradigm; and in so doing he helped to bring an end to the terrible evil of the transatlantic slave trade. Would he have achieved half as much, would he have inspired the same fervour in others if he had set out to 'regulate' or 'reduce' the slave trade rather than abolish it? I doubt it.”*

The validity of this approach was also recognised by Kissinger, Nunn, Shultz and Perry in articles in the Wall Street Journal in 2007 and 2008 where they urged that political leaders adopt a vision for a nuclear weapons free world.

### **Toward a Nuclear-Free World**

*In October 2007, we convened veterans of the past six administrations, along with a number of other experts on nuclear issues, for a conference at Stanford University's Hoover Institution. There was general agreement about the importance of the vision of a world free of nuclear weapons as a guide to our thinking about nuclear policies.*

GEORGE P. SHULTZ, WILLIAM J. PERRY, HENRY A. KISSINGER and SAM NUNN  
Wall Street Journal, January 15, 2008

Adopting a more comprehensive framework does not mean abandoning the step-by-step approach. As Malaysia points out when they introduce the annual United Nations General Assembly resolution calling for negotiations leading to the conclusion of a nuclear weapons convention;

*“the Draft Resolution calls on States to commence multilateral negotiations **leading** to an early conclusion of the convention; it does not talk in terms of commencing immediate negotiations **on** the convention. It thereby allows for the very same kinds of disarmament measures that the nuclear weapon states themselves are committed to support. Therefore, the approach called for by the resolution, is not unrealistic but is in fact compatible with the incremental approaches mooted by others”*

Ambassador Hasmy Agam, Permanent Representative of Malaysia to the United Nations, 29 October 1999.

Nor does it necessarily mean relinquishing nuclear deterrence doctrine immediately. Steps toward this could be taken in order to build the confidence required for complete abolition. China and India, for example, have adopted doctrines not to be the first to use nuclear weapons, and have called on other NWS to do also do so. This could be a first small step toward prohibiting the use of nuclear weapons more generally.

Kissinger, Nunn, Schultz and Perry have proposed an alternative step whereby the NWS abandon the doctrine of massive retaliation, thus placing limits on nuclear use regardless of the provocation.

Following the 1996 International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons, Russia, taking language from the ICJ decision, proposed that the threat or use of nuclear weapons should be restricted to the extreme circumstance of self defence when the very survival of a State is at stake.<sup>ix</sup> The adoption of such a doctrine by all NWS could also constitute an important step towards the prohibition of the use of nuclear weapons.

Individually, each of these steps has problems, placing some states at a security disadvantage to others. However, if placed in the context of a framework for the complete abolition and elimination of nuclear weapons – i.e. deliberations on a NWC – such steps become more justifiable and realistic.

Negotiations on a NWC would likely take considerable time. The complete abolition and elimination of nuclear weapons would require the development and agreement on universal and non-discriminatory obligations, a detailed and phased programme for elimination of stockpiles, comprehensive verification measures, systems for ensuring compliance, and other measures for ensuring security in a non-nuclear weapons regime.

However, the very fact of starting such negotiations would make the completion of intermediate steps much easier and quicker. States with differing security needs would be more willing to make compromises and agree on some steps that are not their primary focus in the knowledge that steps of more relevance or concern to them will also be addressed.

## **F: Investing wisely in political capital**

It may be true that a comprehensive approach is required in order to overcome the obstacles that have prevented a step-by-step process from making any progress in the last decade. However, such an approach will require commitment and the investment of time and resources of States in order to transform the political regimes currently adhering to nuclear weapons, and to undertake the negotiations, develop the institutions and mechanisms, and implement the procedures required to abolish and eliminate nuclear weapons. Are governments willing to make such a commitment, or would they settle for much less –

such as entry-into-force of a CTBT and negotiations of a fissile material treaty?

The step-by-step process is like travelling in an old jalopy with a broken steering wheel, low on fuel and an engine that will not last much longer. Such a jalopy might be cheap to buy, but it won't get us to where we want to go. Isn't it better to spend a little more for a vehicle that will take us all the way?

It would seem from the aspirations expressed in international forums, such as the NPT and UN General Assembly, that the majority of States do indeed aspire to a nuclear weapons free world, and those that have accepted a limited step-by-step process only do so grudgingly because they have not yet seen the possibility to move the NWS beyond this.

However, this situation appears to be changing. The prestigious Weapons of Mass Destruction Commission noted recently that:

*“A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed. Disarmament work should be set in motion.”*

***There is a political opening to take a comprehensive approach to nuclear disarmament and start the process for achieving a nuclear weapons convention. This political opportunity may not last long. It should not be squandered.***

The United Kingdom has embraced the idea of nuclear abolition and has initiated a 'nuclear disarmament laboratory' to explore the political and technical requirements for such a world.

In the United States, both candidates for President – Barack Obama and John McCain – have announced a vision to achieve a nuclear weapons free world and programs to achieve this that go beyond the step-by-step approach.

There is thus a political opening to take a comprehensive approach to nuclear disarmament and start the process for achieving a nuclear weapons convention. This political opportunity may not last long. It should not be squandered.

## **G: From NPT to nuclear weapons convention – obligations of the Nuclear Weapon States and the commencement of negotiations**

The NWS that are parties to the NPT have a legally binding obligation towards nuclear disarmament under Article VI of the treaty. Of these, only China supports the immediate commencement of negotiations leading to a Nuclear Weapons Convention. The UK has spoken in favour of a NWC but supports negotiations only after there has been further progress on reductions in the nuclear stockpiles of Russia and the US.

This has led some critics to suggest that commencing negotiations on a Nuclear Weapons Convention would be worthless, on the grounds that only a NWC that included all the NWS would have any value. Some have even suggested that starting negotiations on a NWC could be counter-productive as this could give the NWS the excuse to withdraw from the NPT without joining the NWC and thus remove themselves from their current disarmament obligation under the NPT

However, these arguments would appear to be both short-sighted and misguided.

The fear that the NWS would abandon the NPT seems unfounded. It is in the interests of the NWS to maintain the integrity of the treaty, for if they withdrew, that would stimulate the withdrawal of a number of non-nuclear weapon States from the NPT as well, and the likelihood of nuclear proliferation as a result. The NWS are clearly opposed to this scenario and as such regularly reinforce the value of the NPT as the cornerstone of the non-proliferation regime. Even if they decided that ad-hoc counter-proliferation measures suited their interests better than the NPT, a perspective that has much less credence now following the debacle of the counter proliferation war against Iraq, they could not escape the disarmament obligation by withdrawing from the treaty. The International Court of Justice has affirmed that this disarmament obligation is universal, applying to all States regardless of whether or not they are parties to the NPT.

There is some validity to the argument that negotiations on a NWC would have little value without the participation of all the NWS. As one of the principal rationales for nuclear weapons is their role to deter a nuclear attack from an enemy, some NWS might be reluctant to join such negotiations unless all NWS participated and joined the resulting nuclear abolition regime.

However, there are a range of approaches that could be used to commence negotiations and pave the way for a nuclear weapons convention even before all NWS are in agreement.

Firstly, there might be some nuclear weapons possessing States that would be prepared to join such negotiations at the same time as they take steps to reduce their reliance on nuclear weapons and achieve security through other means. North Korea, for example, could be in such a position.

Some of the other nuclear-weapons-possessing States might be prepared to join such negotiations on the basis that the final treaty would not enter into force unless ratified by all nuclear-weapons-possessing States. China, India and Pakistan could be in such a position as they all hold policy supporting negotiations on a NWC.

Commencing such negotiations – even without all the NWS – could be valuable for a number of additional reasons. Firstly, the very fact of commencing such negotiations would put considerable pressure on the NWS to join. Under the Ottawa process, for example, the commencement of negotiations on a landmines ban generated enough political pressure to move a number of governments, which at the time were landmine possessors or users, to change their policies and join the treaty. This was also true for the Oslo process which started the negotiations on a cluster munitions treaty.

Secondly, the commencement of negotiations can provide a process for developing some of the mechanisms – particularly in verification and compliance – that will be required for the implementation of a NWC. The development of such mechanisms can help pave the way for the achievement of the treaty itself. This happened, for example, with the negotiations for a Comprehensive Test Ban Treaty (CTBT), which created the impetus for developing a global monitoring and verification system. The early development of this system helped build confidence that a CTBT could be verified and thus helped facilitate successful negotiation of the treaty. In fact the global system is operating even though the CTBT has yet to enter-into-force.

Thirdly, the commencement of negotiations to prohibit a weapons system, strengthen the global norm against that weapons system making the continued possession of such weapons even less legitimate. The global norm against chemical



weapons, for example, was strengthened by, *inter alia*, the negotiations on a Chemical Weapons Convention (CWC) to such a degree that the possession and use is now considered to be in violation of customary law applicable to all States regardless of whether or not they have signed and ratified the CWC.

It will no doubt take a leap in political will in order for a group of like-minded States to initiate an Ottawa or Oslo type process for nuclear weapons. A slightly less challenging leap would be for a group of like-minded States to initiate a series of preparatory conferences for a NWC. This would make it easier to engage the NWS from the beginning as they could more easily participate in a process where they are not yet bound into negotiating an actual NWC. Such preparatory conferences could provide a forum for examining the political, legal, technical and institutional requirements for a NWC as a precursor to the commencement of negotiations.

## H. Conclusion

On 25 May 1961 President Kennedy announced to the US congress his vision that: "...this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth...I believe we possess all the resources and talents necessary. But the facts of the matter are that we have never made the national decisions or marshalled the national resources required for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to insure their fulfilment."

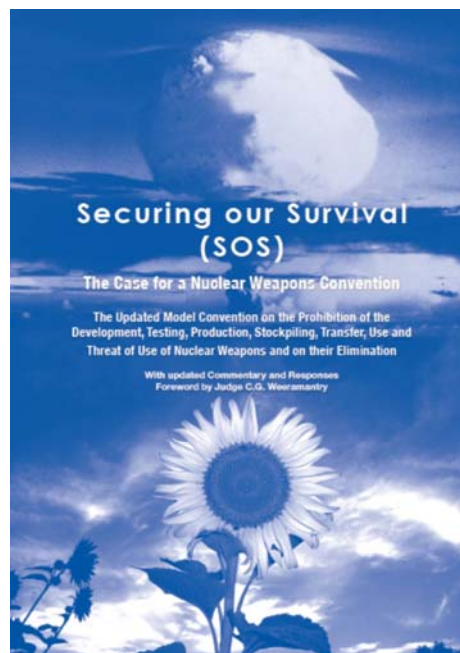
The objective was ambitious. The obstacles were immense. The means to reach that objective were not yet known or developed. However, with such a clear vision and a commitment to achieving it, the goal was reached within the decade.

Similarly with nuclear abolition – with a vision for a global treaty and a commitment to reaching that goal, the obstacles can be overcome and the goal reached. The NWC approach contains the vision for that final goal, and allows for concrete steps along the way. Such an approach would build on the achievements of the NPT, and provide a way to overcome the problems with the NPT that have prevented its full implementation.

To embrace the NWC approach would demonstrate a good faith commitment to fulfilling the obligation to achieve complete nuclear disarmament. To embrace the NWC would provide

a practical approach to achieving what was set down in the first resolution of the United Nations as the goal for the elimination of nuclear weapons and other weapons of mass destruction.

There is an opportunity to do this now. We should not let such an opportunity escape.



For more information see *Securing our Survival: The Case for a Nuclear Weapons Convention*.<sup>viii</sup>

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### Notes:

<sup>i</sup>[www.reachingcriticalwill.org/political/1com/1com07/res/L36.pdf](http://www.reachingcriticalwill.org/political/1com/1com07/res/L36.pdf)

<sup>ii</sup> [www.inesap.org/publ\\_nwc\\_english.pdf](http://www.inesap.org/publ_nwc_english.pdf)

<sup>iii</sup>[www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf](http://www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf)

<sup>iv</sup>[www.inesap.org/mNWC\\_2007\\_Unversion\\_English\\_N0821377.pdf](http://www.inesap.org/mNWC_2007_Unversion_English_N0821377.pdf)

<sup>v</sup>[www.reachingcriticalwill.org/legal/npt/RevCon05/wp/WP41.pdf](http://www.reachingcriticalwill.org/legal/npt/RevCon05/wp/WP41.pdf)

<sup>vi</sup>[www.reachingcriticalwill.org/legal/npt/NPTDocuments/mc1docs/icjwp.html](http://www.reachingcriticalwill.org/legal/npt/NPTDocuments/mc1docs/icjwp.html)

<sup>vii</sup>[www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf](http://www.reachingcriticalwill.org/legal/npt/prepcom07/workingpapers/17.pdf)

<sup>viii</sup> [www.icanw.org/securing-our-survival](http://www.icanw.org/securing-our-survival)

<sup>ix</sup> Russia adapted its security doctrine accordingly and restricted their possible use of nuclear weapons to a situation "when aggression creates a threat to the very existence of the Russian Federation as an independent sovereign state. See 1997 Russian National Security Concept. [www.nti.org/db/nisprofs/over/concept.htm](http://www.nti.org/db/nisprofs/over/concept.htm)