

Nuclear Weapons Convention (Abolition Treaty)

Why a nuclear weapons convention

The world faces a growing risk of a nuclear catastrophe - by accident, miscalculation or design and by either States or non-State organizations (terrorists) - unless nuclear weapons are eliminated and the means for making them brought under tight international control.

The negotiation of a Nuclear Weapons Convention (NWC), a treaty for the complete elimination of nuclear weapons, is the only way to ensure that such a disaster does not occur.

Progress towards an NWC

In 1996 the International Court of Justice affirmed 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 United Nations General Assembly, which had requested the opinion, followed up with a resolution calling on States to implement the disarmament obligation by commencing negotiations which would lead to the conclusion of a Nuclear Weapons Convention (NWC). Such a convention would prohibit the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and provide a phased plan for their complete elimination.

The resolution was supported by a majority of States including some with nuclear weapons – China, India and Pakistan – and others with the capability of going nuclear – North Korea and Iran. However, some of the other nuclear weapon states did not support and do not yet agree to commence negotiations which would lead to complete nuclear disarmament. The UN resolution is thus re-introduced annually in an effort to gain enough support for the commencement of such negotiations.

Model Nuclear Weapons Convention

In 1997 the United Nations circulated a Model Nuclear Weapons Convention, submitted by Costa Rica in order to assist in the implementation of the ICJ decision and the UN call for negotiations leading to a NWC. The Model NWC had been drafted by a consortium of lawyers, scientists and disarmament experts led by the Lawyers' Committee on Nuclear Policy. Costa Rica explained that the Model NWC sets forth "...the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention."

The Model NWC has been the subject of a number of scientific, academic and diplomatic conferences in the UK, China, Geneva, New York, Canada and India. Feedback on the Model NWC and progress towards a NWC is included in a periodical called the Nuclear Weapons Convention Monitor (see references).

"Logically the process of nuclear disarmament will ultimately lead to a Nuclear Weapons Convention to ban nuclear weapons, just as biological and chemical weapons are respectively banned by the Biological and Chemical Weapons Conventions."

UK Foreign and Commonwealth Office

The elements of the Model NWC include:

- general obligations of states and individuals under a nuclear weapons abolition regime
- a phased program for dismantling and destroying existing nuclear stockpiles
- control mechanisms for nuclear facilities and materials
- a verification regime
- protection measures for whistleblowers
- dispute resolution and enforcement procedures
- measures for dealing with delivery vehicles and dual use materials
- national implementation measures
- an agency for overseeing the convention
- entry into force options
- relationship to other nuclear related agreements and regimes, and
- a protocol concerning nuclear energy.

International support for an NWC

- Resolutions calling for a nuclear weapons convention have been adopted by the European Parliament and introduced into the US Congress and UK House of Commons.
- In 1995, Abolition 2000, an international network was established to promote the achievement of a nuclear weapons convention. It has attracted the support of over 2000 organisations worldwide.
- Public opinion polls in countries not yet supporting the NWC indicate public support for a NWC at over 80%.
- The Hiroshima and Nagasaki Appeal, the largest petition in the world with nearly 100 million signatures, calls for the complete abolition of nuclear weapons through an international treaty.

NWC and the Step-by-Step approach to disarmament.

Some nuclear weapon states have criticised the call for a nuclear weapons convention on the basis that nuclear disarmament requires a step-by-step approach rather than a comprehensive approach. The next steps identified by the NWS include entry into force of the Comprehensive Test Ban Treaty, further reductions in nuclear stockpiles and negotiation of a ban on production of fissile material.

However, many other states, including New Zealand and Malaysia have argued that focusing on a NWC is compatible with a step-by-step process and in fact would aid it. Malaysia, which introduces the annual UN resolution, notes *“the resolution specifically mentions negotiations “leading to” a nuclear weapons convention and not “on” a nuclear weapons convention, thereby allowing for the kind of steps that the nuclear weapons states themselves are committed to support.*

a nuclear weapon free world will ultimately require the underpinnings of a multilaterally-negotiated, legally binding instrument or a framework encompassing a mutually-reinforcing set of instruments.

Declaration by the Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa, Sweden (New Agenda Coalition) 1998

In fact the NWC identifies elements of disarmament which are important in the step-by-step approach. In addition, by combining a step-by-step approach with a comprehensive approach, the NWC could help break the deadlock in international disarmament negotiations. States are often unwilling to adhere to a single disarmament step because their nuclear forces are atypical and a step could put them at a disadvantage. Such States would be more willing to agree to a step which placed them at a temporary disadvantage if they were confident that the process was moving quickly to a non-discriminatory treaty on complete prohibition and elimination. An example of this is India, which supports a NWC and initially proposed a CTBT but refused to support the treaty unless it included a commitment to negotiate for complete nuclear disarmament.

Using the NWC to engage the nuclear weapon states

The NWC provides a useful tool to engage the nuclear weapon states (NWS) in ways to overcome their resistance to nuclear disarmament. It re-frames the debate from a context of *“Why don’t the nuclear weapon states move towards nuclear disarmament?”* to one of *“How can nuclear disarmament be achieved?”* Rather than calling for disarmament steps and attempting to persuade the NWS to drop their resistance to these, the NWC invites NWS to join in designing and creating the conditions for nuclear disarmament.

Verification, one of the key elements identified in the Model NWC, for example, has become the subject of increasing dialogue and cooperation between NWS and nuclear disarmament advocates. Recent initiatives include the US Sandia Cooperative Monitoring Center - which assists in the development of verification and monitoring regimes for arms control and disarmament treaties - and the Aldermaston Weapons Establishment study on verification of the elimination of nuclear weapons (see references).

References

Model Nuclear Weapons Convention, UN Document A/C.1/52/7. www.lcnp.org/mnwc

Security and Survival: The Case for a Nuclear Weapons Convention, Datan and Ware, IPPNW, 1999. www.ippnw.org
Confidence, Security and Verification: The Challenge of global nuclear arms control, Aldermaston Weapons Establishment, 2000. www.awe.co.uk

Nuclear Weapons Convention Monitor, IPPNW, annual periodical. www.ippnw.org