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Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

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Develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

Elements for the achievement and maintenance of a world without nuclear weapons

Submitted by the New Agenda Coalition*

I. Introduction

1. The existence of nuclear weapons continues to pose a threat to the very survival of humankind. Renewed international focus on the catastrophic consequences – humanitarian, environmental and economic – which would flow from any use of these weapons has led to a reinvigoration of international efforts to achieve complete nuclear disarmament and maintain a world free of nuclear weapons. These international efforts take as their starting point the fact that the only guarantee against the use or the threat of use of nuclear weapons is their total elimination.

2. This is the very basis for the formation of the New Agenda Coalition (hereinafter NAC). As a cross-regional grouping, the NAC since its establishment in 1998 has worked actively to promote the full and effective implementation of all nuclear disarmament obligations and commitments in order to achieve and maintain a world without nuclear weapons. This remains the NAC's primary goal.

3. In recognition of the catastrophic humanitarian consequences of nuclear weapons, the issue of nuclear disarmament has been on the international agenda since these weapons were first used. Over seven decades, successive multilateral, regional and bilateral

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instruments have attempted to address aspects of nuclear disarmament. However, none has fully achieved its objective, and, sixty seven years after the General Assembly of the United Nations sought to initiate a process to achieve “the elimination from national armaments of atomic weapons and of all other major weapons adaptable for mass destruction,” much remains to be done to reach the goal of a nuclear-weapons-free world and to maintain it in perpetuity.

4. Furthermore, despite the opportunity provided by the end of the Cold War for a renewed effort to achieve nuclear disarmament, and despite some efforts on nuclear arms reduction, multilateral disarmament negotiations have remained stagnant. This has led to the perpetuation of mindsets which we hoped had been transformed by the end of the Cold War.

5. This Open-ended Working Group offers Member States the opportunity to move away from the disagreements that sometimes define other fora and towards a fuller consideration, with the full participation of international organizations and civil society, of the components that will be required for the achievement and maintenance of a nuclear-weapon-free world. Defining those components will enable a clearer picture to be built of the steps required to reach the desired end state, and the gaps in the current framework from a legal, technical, and political standpoint.

6. This paper is intended as a contribution to the development of such a picture. It emphasizes that, regardless of the method chosen to work towards nuclear disarmament, an overarching, legally-binding commitment to take the required steps must be put in place. Such a commitment need not take any particular form: it could be in the context of a comprehensive treaty dealing with nuclear disarmament, or a framework agreement under which other instruments would be elaborated.

II. Arrangements required to achieve the complete elimination of nuclear weapons

7. The elimination of an entire category of weapons requires, on the one hand, the complete destruction of all existing stockpiles of such weapons and, on the other, a comprehensive set of prohibitions banning the development, production, acquisition, possession, stockpiling, retention, testing, use and/or transfer of such weapons under any circumstances and at any time in the future.

8. All related implementing activities would need to be transparent, verifiable and irreversible.

III. Existing arrangements and their shortcomings

9. Whilst considerable progress has been made to strengthen a decades-old non-proliferation norm, progress towards the goal of achieving complete nuclear disarmament has remained elusive. This is despite widespread support for disarmament and successive undertakings from the nuclear-weapons States (hereinafter NWS) that they will work towards this. The continued modernization of nuclear arsenals and the development of advanced and new types of nuclear weapons, together with the allocation of vast resources for this purpose, significantly undermine the steps taken by some NWS to reduce the overall number of operationally deployed strategic weapons, as detailed further below. At the same time, the failure to reduce and eliminate those nuclear weapons stationed outside the territories of the NWS raises doubts about the commitment of the States concerned to the goal of nuclear disarmament. Furthermore, despite the commitment of the NWS to further diminish the role and significance of nuclear weapons in all military and security

concepts and doctrines, nuclear deterrence remains a defining feature of the national security postures of both the NWS and the military alliances in which they participate. Such developments confirm the continued reliance of NWS on nuclear weapons for their national security for the foreseeable future, at the expense of the collective security interests of all.

10. Since the first use of nuclear weapons, and in light of the priority subsequently attached to nuclear disarmament by the world community, some progress, albeit partial and incomplete progress, has been registered towards eliminating these weapons. The major instruments developed so far, and their shortcomings, are as follows:

(a) **The Treaty on the Non-Proliferation of Nuclear Weapons (NPT):** The NPT affirmed the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes. Through this Treaty, the non-nuclear-weapon States (hereinafter NNWS) have taken on the legally binding commitment not to receive, manufacture or otherwise acquire nuclear weapons. In return for this, the nuclear-weapon States have legally committed themselves to the pursuit of nuclear disarmament and the elimination of their nuclear arsenals. However, this most important commitment remains in large part unfulfilled. Furthermore, the Treaty continues to be non-universal: some States remain outside it and are under no equivalent legal obligations. The NPT contains no provisions for the multilateral verification of the nuclear material and facilities of the nuclear-weapons States'. Finally, the NPT has failed to limit the deployment of nuclear weapons on the territories of NNWS.

(b) **The Comprehensive Nuclear-Test-Ban Treaty (CTBT):** The CTBT's ban on all forms of explosive nuclear testing is a critical element in limiting the qualitative improvement of nuclear weapons and in preventing the development of new types of nuclear weapons. The Treaty therefore has an important role to play in the process of nuclear disarmament. The delay in its entry into force, however, has so far hindered its ability to do so. Furthermore, the CTBT does not ban subcritical testing or simulations, a factor which limits its potential contribution to the achievement and maintenance of a nuclear-weapon-free world.

(c) **Nuclear Weapon Free Zones (NWFZ):** NWFZ are important intermediate measure, which provide an opportunity to enhance global and regional security, to strengthen the non-proliferation and nuclear disarmament regime, and contribute to realizing the objectives of nuclear disarmament. Although more than one hundred States are part of NWFZ, such zones remain limited geographically. The absence of the establishment in the Middle East of a NWFZ, including the failure to hold a Conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, continues to be a serious concern. Moreover NWFZ treaties are also subject to the various reservations and interpretations imposed by the NWS with respect to their protocols.

(d) **Arms reduction arrangements:** Important reductions have been achieved since the largest nuclear arsenals reached their peak during the Cold War. However, with the exception of legally binding bilateral agreements (for example the new START agreement between the United States of America and the Russian Federation), such reductions are mainly unilateral initiatives. Furthermore, in many cases, arms reduction agreements only limit deployed arms, rather than achieving irreversible reductions in arsenals. Their application is necessarily limited, and not all nuclear-weapon States have committed themselves to reducing their arsenals.

IV. Future Work

11. **The End State.** To be able to maintain a world free of nuclear weapons, certain key prohibitions will need to be established through legally binding commitments, as follows:

- (a) Complete elimination of nuclear weapons.
- (b) Prohibition of the use or threat of use of nuclear weapons.
- (c) Prohibition of the possession, stockpiling, development or transfer of nuclear weapons.
- (d) Prohibition of the production of or the use of already existing fissile material for nuclear weapons and placing all such fissile material under international safeguards.
- (e) Prohibition of nuclear-weapons tests in all their forms, including both supercritical and subcritical tests.

12. **Interim Measures.** In order to accelerate progress towards a world free of nuclear weapons, the following interim/transitional measures will need to be put into place:

- (a) A clear, legally binding and multilateral commitment, on the part of all States, to the goal of nuclear disarmament, with clearly defined benchmarks and timelines.
- (b) Provision of a clear baseline to measure progress of nuclear disarmament, including a complete inventory of nuclear stockpiles, nuclear warheads, delivery systems, and fissile material for nuclear weapons.
- (c) Time-bound, progressive and irreversible reduction of nuclear arsenals, including the irreversible removal of nuclear weapons stationed on the territory of NNWS, accompanied by an international verification regime and the placement of all nuclear facilities under such a regime.
- (d) The universalization of the NPT.
- (e) The entry into force of the CTBT.
- (f) Measures to enhance the security of nuclear weapons and to reduce the operational readiness of nuclear-weapons systems, including through the development of legal instruments and other measures, to minimize the possibility of nuclear detonations, whether intentional, accidental or as a result of miscalculation.
- (g) Providing legally binding negative security assurances whereby nuclear weapon States assure non-nuclear weapons States against the use or threat of use of nuclear weapons, and reduce the reliance on nuclear weapons in national and alliance strategies/policies/postures.
- (h) Enhancing the role of nuclear-weapon-free zones by removing the conditionality and reservations that have been imposed by NWS and broadening their reach by establishing new zones where they do not already exist, particularly in the Middle East.
- (i) Prohibiting the production of fissile material for nuclear weapons and dealing with already existing stocks of such material.

13. The elements listed above are not listed in any order and need not be implemented in sequence – work on most, including those identified as part of the “end state”, may start immediately. Whilst these elements must in many cases be multilateral in nature, there is nothing to stop NWS from undertaking unilateral or bilateral actions to implement certain of the interim measures. Indeed, such actions would go a long way to building confidence in the stated commitment of NWS to the achievement of a nuclear-weapons-free world and would serve to bolster efforts to advance multilateral nuclear disarmament negotiations. All

such work must respect the cardinal principles of transparency, verifiability, and irreversibility.

14. The key, however, to maintaining the integrity and sustainability of the global nuclear disarmament and non-proliferation regime is the elaboration of a clear, legally-binding, multilateral commitment to achieve nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament. What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the NAC has consistently advocated for, comprising the aforementioned mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks.

15. Given that almost seven decades have passed since the first resolution of the General Assembly of the United Nations, and more than four decades since the entry into force of the NPT, such a commitment is long overdue.
