Reversing Proliferation: The Case for a Nuclear Weapons Convention

A boy contemplates a display of missiles and other weaponry at Beijing military museum, China
Photo: AP/Greg Baker
What Is a Nuclear Weapons Convention?

Convention • n.  1. a way in which something is usually done. Socially acceptable behaviour.
   2. an agreement between States.

Concise Oxford Dictionary, 10th Edition

In the strict sense, a Nuclear Weapons Convention (NWC) is an international treaty. An NWC will be similar to other international treaties banning entire categories of weapons such as the Chemical Weapons Convention, the Biological Weapons Convention and the Mine Ban Treaty.

Treaties to prohibit weapons such as these are achieved through negotiations among states. Generally they prohibit all aspects of development and testing of the weapons, and include measures to prevent the spread of technology and know-how in relation to the weapons, as well as a framework for their elimination. The most effective treaties include a system for verifying that no state party is cheating, including declarations, inspections and technical monitoring, as well as a mechanism for the settlement of disputes and enforcement in case of serious violations.

No such treaty exists yet for nuclear weapons, but demands for one have increased in recent years, as have more general demands for complete nuclear disarmament.

In a wider sense, the Nuclear Weapons Convention would be the implementation of the universal societal condemnation of nuclear weapons and the codification of the customary norm against all weapons of mass destruction. It would thus include additional measures at national and international levels further delegitimising nuclear weapons and supporting their prohibition. Its impact will therefore be deeper and more far-reaching than the treaty language itself. Such a treaty would reflect a broader social and political movement away from reliance on weapons of mass destruction and military solutions to conflicts, and would incorporate the desires and responsibilities of global civil society for a less militarized world. It would realise a profound and near universal desire to finally free this and future generations, human civilisation and the biosphere from the unprecedented and unparalleled threat of nuclear annihilation.

Generated by technical, legal and political experts, the model NWC in this book provides ideas and text suggestions for the usual components of a comprehensive treaty, based largely on the Chemical Weapons Convention, the first treaty completely banning an entire category of weapons and providing for their verified elimination. It is also based on the International Atomic Energy Agency and UN Security Council procedures aimed at preventing nuclear proliferation. Like other treaty texts, it provides rule-framed expectations of conduct. It also provides schedules for progress, and crystallizes the elements of the problem and solution by defining them precisely.
Responses to the Model NWC - A Summary

Since the release of the Model NWC and the publication of Security and Survival: The Case for a Nuclear Weapons Convention in 1997, there has been considerable discussion in informal and formal settings relating to ideas from these documents. The Nuclear Weapons Convention Monitor, in its issues published in 2000, 2001 and 2002, documented and included some of this ongoing discussion. It has focused primarily on the “how” of nuclear disarmament as distinct from the more familiar political debate on “when” it should occur and “whether” it is possible. The main clusters of response to the Model NWC are summarised below. In-depth discussion of many of these issues is covered in the Critical Questions section.

Long-term goal and next steps: To what extent can a focus on the long-term goal of nuclear disarmament facilitate the identification and promotion of next feasible steps and help generate political impetus towards achieving such steps? Is it possibly too ambitious and counter-productive to discuss the end goal? There is no single answer to these questions. However, a preliminary conclusion appears to be that selective use of the NWC as both a tool to assist short-term goals and as a concrete long-term political objective can be genuinely helpful. In addition, States’ approach to the NWC can serve as a litmus test of commitment to nuclear disarmament.

Low levels vs. zero: There are varying opinions on the relative difficulty of verifying low levels of nuclear weapons as opposed to verifying maintenance of a nuclear-weapons-free world, and thus on whether it is realistic to aim for zero nuclear weapons. It might be possible for a NWS to hide a few nuclear warheads and thus possibly remain a single nuclear-armed State in an otherwise nuclear-weapons-free world. In order to prevent such a monopoly, the most that might be possible is to get down to low levels of nuclear weapons. On the other hand, maintaining a nuclear-weapon-free world once the infrastructure had been verifiably dismantled and the nuclear option renounced would be more straightforward than verifying a precise low number of nuclear weapons and trying to enact an absolute policy of no-use and no-threat-of-use while some States still possessed nuclear weapons ‘just in case’. If we consider the two options, it appears that, we would be better off with a comprehensive abolition regime which would include robust mechanisms for verifying, enforcing and dealing with breakout and for ensuring security without nuclear weapons, than we would be with a partial disarmament regime with less capability to detect secret stockpiles and programmes. There will be risks in implementing a NWC, however, these risks pale in comparison to the risks posed by maintaining the status quo or in only developing partial disarmament measures leaving the nuclear option still a possibility.

Compliance: The model NWC envisions a security regime based on incentives for compliance, good faith, institutionalising the norm of non-possession of nuclear weapons, reducing or eliminating the technical possibility for maintaining or developing nuclear weapons, and establishing mechanisms for addressing non-compliance. The Model NWC includes some procedures similar to the Chemical Weapons Convention, but places more emphasis on individual responsibility, and gives the Agency greater powers to impose preliminary sanctions (on technical assistance) in the case of non-compliance before having to refer the situation to the Security Council. Some commentators feel that the Security Council is so biased with respect to nuclear disarmament that situations of non-compliance should not be referred there at all but should instead be referred to the UN General Assembly. Others feel that the NWS
would have to be committed to nuclear disarmament for a NWC to be negotiated and so would by then also be committed to its successful enforcement. There has also been a suggestion of a reform to the Security Council to ensure that any one NWS could not block compliance action regarding its own nuclear weapons programmes.

**Verification and the political process:** There has been considerable discussion on verification for a nuclear weapons free world since the Model NWC was released. Some, but not all of this has been stimulated by ideas and proposals in the Model NWC. The UK Study on verification of warhead destruction mirrors the warhead identification proposals in the Model NWC. The IAEA additional protocol is similar to the nuclear facilities verification in the Model NWC, although the Model NWC goes further in prohibiting plutonium reprocessing and uranium enriching beyond 20%. There has also been considerable discussion on the emerging technologies for verification, the role of societal verification and political considerations on the degree of certainty required in verification.

The Comprehensive Test Ban Treaty (CTBT) political process benefited from the extensive research on verification and development of verification mechanisms that preceded conclusion of negotiations. The NWC, or a future regime for complete nuclear disarmament, would benefit from similar research and development if it helps establish the feasibility of verifiable disarmament. The more complex and unresolved political and technical questions, however, makes this somewhat more elusive for some than the case of the CTBT. Which facilities should be subject to verification? Facilities that can produce nuclear materials, facilities that can handle or fabricate nuclear components or can transform components back into fissile materials, civil facilities that can fabricate fissile materials into fuel, and assembly/disassembly facilities where components are assembled or disassembled into warheads. On the other hand there are emerging technologies and other developments that make verification much easier. These include increased access to satellite photography, better radioisotope monitoring, a wider range of portal control systems and sampling techniques, real-time or near-real time data communications systems and a greater capacity for monitoring by non-governmental entities.

**Costs of disarmament:** Discussion of the economic aspects of nuclear disarmament is included in the Critical Questions section. What has not yet been done, but has been recommended, is a full analysis and projection of the costs involved in nuclear abolition and disarmament. It is estimated that such costs will be very high, particularly due to the difficulties in decommissioning and cleaning up nuclear fuel facilities. The costs involved in verification will be hard to assess as these could vary greatly depending on the technologies chosen, degree of certainty required and extent to which existing verification mechanisms can be used. Thus the actual costs for disarmament will revolve as much around political considerations as around baseline costs for specific tasks.

The issue of how to convert nuclear weapons industries to nuclear disarmament industries is covered in the Critical Questions. One of the interesting areas of discussion on this issue has been the degree to which the new wave of ethical investing can be applied to nuclear weapons industries in order to help facilitate their conversion prior to the negotiation of a nuclear weapons convention or whether such economic aspects should be left in the hands of the States parties to an eventual NWC.

**Non-participants:** There has been considerable discussion over entry-into-force requirements and whether it would be possible for a NWC to be concluded if one or more key States remained outside. The likelihood of states that would not participate in
the political negotiation process or the implementation of a future NWC raises critical questions about its feasibility. At the same time, this question is not unique to the NWC. The NPT was concluded without two NWS (China and France joined later) and four nuclear weapons capable states are outside of the Non-Proliferation Treaty regime today. Focusing on a nuclear disarmament regime might, in fact, serve to draw in these states or, at a minimum, help identify the source of resistance. Thus there has been the suggestion that early commencement of negotiations on a NWC, even without key States in the beginning, would help create the political environment that would move the remaining States to join.

**Carrots and sticks:** The approach in the model NWC places an emphasis on compliance over coercive enforcement. There are disincentives for non-compliance including targeted sanctions, but it would be useful to explore and develop incentives in order to make compliance more attractive than non-compliance. More carrots, as well as carrot cake, are needed. The NPT provides for assistance in nuclear energy for States parties and some have proposed something similar for the NWC. However, the proliferation and environmental risks of nuclear energy led the drafters of the Model NWC to instead propose assistance in alternative energy for States parties that choose to phase out or not to develop nuclear energy. There are no specific incentives for other States parties to the NWC, other than assurances that they will not be attacked by nuclear weapons and that the world will be a safer place with nuclear abolition. Perhaps other incentives would be desirable.

**Societal verification and whistleblowers:** The role of societal verification and protection for whistle blowers has been a recurrent theme. Some see this as the most promising approach to nuclear disarmament, including education aimed at increasing scientific and societal responsibility. The capacity for non-governmental access to verification data such as satellite imagery has markedly increased. It was an NGO for example, which alerted the world to the fact that China was preparing for a nuclear test in 1995, using commercially available satellite photography. The potential for whistle blowing by those involved in the nuclear weapons industry is event greater. It has been often noted, however, that in totalitarian regimes whistle blowers run high risk of being punished unless there is a way to report violations anonymously. In the US, protections have been moderately effective – returning whistleblowers to the job and awarding damages. However in Israel and Russia, whistleblowers such as Mordechai Vanunu and Alexandr Nikitin have been imprisoned with long sentences. An open question is whether the provisions in the Model NWC are sufficient to both encourage whistle blowing if there are State violations of the treaty, and to protect such whistleblowers from such a State.

A problem with relying too heavily on societal verification is that it increases the openness of the nuclear complex, which could contribute to proliferation of information with respect to nuclear weapons if it is not properly protected.

**Implementing agencies:** The Model NWC proposes the establishment of an Agency to implement and verify the treaty. However, there is a question as to whether a new body should be established for a NWC or whether we should build on the existing implementation and verification bodies including the IAEA, CTBT and OPCW. Resolution of this question will depend on political structures that emerge, expertise and experience of existing agencies, bureaucratic culture, concerns about duplicating efforts, and the ability to modify or separate the mission(s) of existing bodies.
While some governments believe that calls for a comprehensive NWC are premature, the majority of states in the world want negotiations to commence. In December 2006 at the UN General Assembly, 125 governments - including nuclear-armed China, India and Pakistan - called upon states to immediately fulfil their nuclear disarmament obligations “by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination”.1

International desire and demand for the elimination of nuclear weapons have existed since nuclear weapons themselves were first invented. The very first resolution of the United Nations called unanimously for “the elimination from national armaments of atomic weapons...”4 – a call repeated in various forms nearly every year since then. Not only do a majority of states want a Nuclear Weapons Convention; opinion polls demonstrate that a majority of citizens – including those of nuclear weapon states – also overwhelmingly want a nuclear-weapon-free future.

Convention as a Customary Norm

“The solution arrived at in this [International Court of Justice] Advisory Opinion frankly states the legal reality, while faithfully expressing and reflecting the hope, shared by all, peoples and States alike, that nuclear disarmament will always remain the ultimate goal of all action in the field of nuclear weapons, that the goal is no longer utopian and that it is the duty of all to seek to attain it more actively than ever... Indeed, it is not unreasonable to think that, considering the at least formal unanimity in this field, this twofold obligation to negotiate in good faith and achieve the desired result has now, 50 years on, acquired a customary character.”

Declaration by Judge Mohammed Bedjaoui, former President of the International Court of Justice, appended to the Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, delivered on 8 July 1996. [Original: French]
There are few recent polls on nuclear weapons but those conducted towards the end of the nineties were strongly supportive of negotiation of a Nuclear Weapons Convention. It is possible that opinion may have moved during the last decade but unlikely to have changed dramatically.

69% of Europeans polled in France, Italy, Germany, Belgium, Turkey and the UK want Europe to be nuclear free. (StratCom for Greenpeace International in March 2006)

87% of those polled in the US agreed, “the US should negotiate an agreement to eliminate nuclear weapons.” (Lake, Sosin and Snell, 1997)

87% of those polled in Britain agreed, “Britain should help to negotiate a global treaty to prohibit and eliminate nuclear weapons.” (Gallup, 1997)

61% of Russians polled agreed that “All nuclear weapons states should eliminate such weapons.” (Vox Populi commissioned by TASS, 1998)

62% of Indians polled agreed that “India should not produce nuclear bombs.” (The Hindu, 1998)

78% of Japanese polled agreed that “all nuclear weapons states should eliminate such weapons.” (Asahi Shimbun, 1998)

92% of Australians polled agreed that “Australia should help negotiate a global treaty to ban and destroy all nuclear weapons.” (Roy Morgan Research Co., 1998)

92% of Norwegians polled agreed that “Norway should work actively for a ban on nuclear weapons.” (4 fakta A/S, 1998)

72% of Belgians polled said they were for “an initiative on behalf of Belgium with an aim of initiating talks concerning a treaty for the abolition of nuclear weapons.” (Market Response, 1998)

93% of Canadians polled agreed that “Canada should take a leadership role in global negotiations to eliminate nuclear weapons” (Angus Reid Group, 1998)

International law comes from both treaties and customary norms, a combination of generally accepted practice and a sense of legal obligation. When a custom becomes self-evident and requires formalization, treaties are negotiated to codify the practice into law. The Mine Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention are treaties that have prohibited landmines, biological weapons and chemical weapons, respectively.

They evolved from already existing customary prohibitions against weapons that are indiscriminate, that use poison, that cause unnecessary suffering, that do not differentiate between combatants and non-combatants, or that are used in a disproportionate manner that violates neutral territory or causes long-term and severe damage to the environment. Weapons of mass destruction, by their very nature, violate most or all of these principles, many of which were codified in the Geneva and Hague Conventions and the Statute for an International Criminal Court.
The highest court in the world on general questions of international law is the International Court of Justice (ICJ), the judicial branch of the UN. In 1996, the ICJ applied international law to nuclear weapons, and determined unanimously that the threat or use of nuclear weapons is generally illegal, and that there exists an obligation to pursue and conclude negotiations leading to complete nuclear disarmament.

The court was unanimous on whether governments were obliged to negotiate on disarmament. The judges found that not only were states required by law to begin negotiations, but also they must \textit{achieve} complete nuclear disarmament through good-faith negotiation. The court insisted that talking is not enough; the talk must lead to achievement of a successful outcome. The Court also de-linked the obligation to achieve nuclear disarmament from the objective of comprehensive demilitarization (general and complete disarmament) and insisted that the obligation to achieve nuclear disarmament applies universally to all states, not just the states with nuclear weapons.

In arriving at this conclusion, the ICJ took into consideration the “dictates of public conscience”, which are mentioned in the Hague and Geneva Conventions as an important indication of the legal status of particular weapons systems for which there is no specific treaty prohibition. The ICJ was presented with nearly four million “declarations of public conscience” in 40 different languages, along with evidence of widespread public condemnation of nuclear weapons.

Therefore, an NWC should be seen not as creating an entirely new prohibition against nuclear weapons, but as implementing an existing prohibition against weapons of mass destruction. Nuclear weapons are by far the most potent and destructive weapons ever invented; qualitatively and quantitatively in a different league from any other weapon. They alone have the potential to exterminate much of humanity and other species, end human civilisation, severely damage most ecosystems and disrupt the climate, and cause global radioactive contamination over vast timeframes. Their singular potency accounts in part for the reluctance of the states that possess them to give them up. It also makes their abolition within a proximate timeframe all the more urgent.

An argument has been made that other weapons of mass destruction, namely biological and chemical weapons, continue to pose current and potential future threats, despite treaties for their prohibition. The Biological Weapons Convention and the Chemical Weapons Convention have not yet brought about the complete elimination of these weapons. But a primary reason offered as justification for the pursuit of biological and chemical weapons by less developed states is that they are the “poor man’s nuclear weapons”—that is, they are needed to counter the threat of nuclear weapons. Similarly, the nuclear weapon states justify their retention of nuclear weapons, in part, as deterrents to the use of biological and chemical weapons and as potentially necessary to eliminate such threats pre-emptively. Thus, although the legal regimes addressing nuclear, biological and chemical weapons are distinct, the elimination of nuclear weapons will assist in the elimination of all indiscriminate weapons.

There are valid technical and political reasons for maintaining distinct disarmament and verification mechanisms for the various weapons of mass destruction. But without a general recognition that reliance on the capacity for mass destruction feeds on itself, decision-makers will continue to rely on—and further develop—these capabilities.

The technical difficulties in verifying an NWC are not impediments to the negotiation of such a treaty. The technology to produce chemical weapons is far simpler, more diverse, more widely available, and more difficult to differentiate from legitimate industrial, agricultural, pharmaceutical and other purposes than is the technology required to produce nuclear weapons. The Chemical Weapons Convention includes verification and inspection provisions that are relatively intrusive but widely accepted. On the other hand, the Biological Weapons Convention has been severely constrained by the lack of effective verification and enforcement provisions. The efforts...
of many countries over many years to strengthen the BWC through an additional protocol containing verification provisions modelled on those of the CWC have been frustrated by the unwillingness of the current US administration to accept any such provisions. In addition to the technical challenges, major deficiencies in the regimes for minimising chemical and especially biological weapons threats, both current and future, relate to political will.

The Biological and Chemical Weapons Conventions are key milestones for the global community, establishing a clear prohibition of these weapons, spelling out specific obligations to eliminate stockpiles, and providing means to respond to non-compliance. The mechanisms are not flawless, but they impose severe practical and political restraints on the development and use of such weapons, and markedly advance the base from which further efforts to eliminate chemical and biological weapon threats can proceed. A Nuclear Weapons Convention would complete the triad; both building on and reinforcing these other efforts.

More than a Treaty

Not all who support the goal of nuclear abolition see a Nuclear Weapons Convention as the best approach. Some have argued that focusing on a “single” treaty is unrealistic and counterproductive, because it could detract from important intermediate measures that governments are more likely to undertake.

According to this logic, entire sections of our model treaty might be redundant if nuclear weapon states unilaterally disarm, or fast-track the process by negotiating among themselves. This may turn sections of the comprehensive treaty into separate instruments, to become part of the “framework encompassing a mutually reinforcing set of instruments”, a formulation that some governments prefer to use when describing the nuclear disarmament process.

In the long run it would not matter whether elimination of nuclear weapons were achieved through one treaty or through a framework of treaties, provided that the framework approach did not result in inordinate delay. For a Nuclear Weapons Convention to be meaningful and effective, more than a signed agreement among governments will be necessary. Political will and social motivation on several fronts are required, and are an integral part of the treaty development process—lobbying efforts, drafting, negotiations and implementation.

The policies, institutions and scientific and technical expertise that support today’s nuclear establishment must be reoriented towards nuclear disarmament, and this reversal of direction is the “singular” concept embodied in the Nuclear Weapons Convention. Such a reversal will entail deeper and further reaching developments than a mere treaty, but the treaty process can be used to identify, guide and reinforce these developments towards the singular purpose of complete nuclear disarmament.

Who Makes a Nuclear Weapons Convention?

In the traditional conception of treaty making, governments are the principal actors and the only ones required to consent to the final agreement. Civil society, relevant business actors, international organisations and parliaments, however, are recognized as playing an increasingly important role in the negotiations, treaty acceptance and implementation. The Mine Ban Treaty is often cited as a good example of governments working with civil society, medical professionals and military experts to affect the pace and content of this international law. To enhance ongoing and comprehensive implementation, governmental agreement and action should be based on the will, consent and involvement of citizens and its own democratic institutions.
This means that coordinated, voluntary governmental and non-governmental participation is needed. In the case of a Nuclear Weapons Convention, this includes broad expertise and participation of scientific, professional, academic, religious, environmental and social justice organizations, as well as other social groups, at the international, national and local levels.

While not discounting these meaningful contributions to negotiations and to the context in which they occur, the genuine commitment of governments is essential in treaty negotiation - particularly with regard to an NWC - because the question of enforcement is uniquely difficult. Government bodies, whether trans-national or national, are responsible for existing and future implementation mechanisms. They also manage the agencies with the relevant expertise or information to improve and refine such mechanisms when necessary.

The question of who will participate in the creation and implementation of a nuclear weapons convention must take into account more than six decades of determined and increasingly widespread pursuit of nuclear weapons capability. Enormous resources and effort have gone into creating the current stockpiles, and their ongoing development. Reversing this legacy is complicated, dangerous work, in large part because the materials involved are uniquely hazardous and will outlast anyone living today by many millennia. The US Department of Energy has observed that the environmental problems alone necessitate efforts at least on the scale of the Manhattan Project. Barring a massive global catastrophe, such as nuclear war, countless future generations have no choice but to continue to safeguard toxic and radioactive nuclear materials.

While abolishing nuclear materials is not feasible, abolishing nuclear weapons is—plausibly within the span of a generation. But however long it takes, uncertainty about the political and social context of future nuclear disarmament work cannot be allowed to prevent progress on the legal and technological foundations. The abolition of nuclear weapons is essential for human survival and sustainability; the current situation of planned indefinite retention of their nuclear weapons by the NWS feeds proliferation, is unstable, dangerous and unsustainable. Allowing this status quo to remain, and likely deteriorate further, is simply not a realistic option. Future generations may well need to complete and continue many of the complex tasks related to eliminating nuclear weapons, but there is no more important test for current leaders than ensuring that substantial progress has been made in a coherent and convincing framework towards nuclear weapons abolition, and that available, practical steps are not held hostage to uncertainties about the future.

The precise roles of the institutions—the government agencies and the private, commercial, and academic bodies—and individuals who will undertake the work of undoing the cumulative burden of the nuclear age will turn on the particular combination of implementation and verification mechanisms chosen. Decisions about what is to be stored, in what forms and for how long will determine the appropriate combination of reliance on environmental cues, surveillance, inspections and other verification mechanisms. Fortunately, the necessary capabilities already exist. Implementation of these capabilities, however, simply requires continued development and greater production of the relevant technologies in the context of a comprehensive plan.

The knowledge, experience and technology accumulated to date are enough to lay the cornerstone of a regime for the complete elimination of nuclear weapons. The
work must begin now, with a view to the future roles of policymakers, scientists and engineers. The call for a Nuclear Weapons Convention is not an attempt to predict the future; rather it is a reflection of the desire for a better future.

Implementing the NWC would not necessarily require creation of entirely new mechanisms but, more likely, definition and coordination of functions on the part of existing and emerging agencies as well as effective application of current technology.

The experience of many international and inter-governmental bodies will be useful, whether their current functions remain or change. These include:

- UN General Assembly to both broker agreements and maintain norms;
- UN Security Council to report violations and agree to enforcement action such as the arrangements established under Resolution 1540;
- International Atomic Energy Agency to verify safeguarded global disarmament;
- Conference on Disarmament as the world’s primary multilateral disarmament treaty negotiating forum;
- Nuclear-weapon-free zone implementation agencies to ensure regions remain nuclear-weapon-free;
- Comprehensive Test Ban Treaty Organization to detect any nuclear testing;
- International Court of Justice as the world’s highest legal authority, to adjudicate on matters flowing from its 1996 Advisory Opinion, and other legal matters including disputes;
- Regional organisations such as the EU to address particular regional issues;
- US and Russian disarmament and non-proliferation bodies, including:
  - Strategic Arms Reduction Treaty (START) and Intermediate Range Nuclear Force (INF) Treaty verification mechanisms
  - Cooperative Threat Reduction (CTR)
  - Material Protection Control and Accounting (MPC&A)
  - Nuclear Cities Initiative.

When Will a Nuclear Weapons Convention Be Possible?

Because the precise nature of future political actors, structures and events is unknown, some claim that the call for a Nuclear Weapons Convention is premature. This view confuses prediction of the future political context for disarmament with preparation for a better future. The call for an NWC and the drafting of a Model NWC are efforts to address the urgency of formulating and advancing coherent and consistent approaches to the creation of a true nuclear disarmament regime.

There are many perspectives on when an NWC could or should be concluded. Of the states that possess nuclear weapons, the US, France, Russia and Israel have all argued that even thinking about an NWC is premature. They are unwilling to provide a time reference for beginning, let alone concluding, an NWC. Rather, they are planning on retaining their nuclear weapons arsenals indefinitely into the future and are undertaking replacement and modernisation programs to ensure such long-term possession. The governments of India, China and Pakistan support the commencement of negotiations on an NWC, but have taken no action to advance such negotiations. The UK has accepted the end goal of an NWC and has undertaken some preparatory work on verification requirements, but asserts that it is too early to commence any negotiations and is also planning nuclear weapons renewal programs.

“Nuclear weapons corrode and democratic rule.”
- Avner Cohen, Israel and the Bomb
to maintain its arsenal into the indefinite future. The Democratic People’s Republic of Korea has strenuously emphasised that discussions and negotiations in the Conference on Disarmament (CD) should be oriented towards achieving complete nuclear disarmament.

As already noted, there are 125 governments that want negotiations for an NWC to commence immediately. In August 1996, the Non-Aligned Movement submitted a proposal to the Conference on Disarmament calling for the entry into force of an NWC by the year 2010 and the complete elimination of nuclear weapons by the year 2020. The mayors of over 1500 cities in 120 countries support this vision for 2020.

The Canberra Commission on the Elimination of Nuclear Weapons determined that, while there is a need to further develop verification and weapons dismantlement systems, there are no real technological barriers to concluding an agreement or agreements to prohibit and eliminate nuclear weapons. The determining factor is not technology but political will.

When there is sufficient political will, negotiations can be concluded fairly quickly. The Partial Test Ban Treaty, for example, was concluded in ten days of determined negotiating in July 1963, after years of deadlock. Agreements on timeframes for negotiations can sometimes help facilitate the process. The parties to the Non-Proliferation Treaty in 1995 agreed to a timeframe for concluding negotiations on a Comprehensive Test Ban Treaty no later than 1996. Such a timeframe helped to bring the negotiations to a conclusion.

The Mine Ban Treaty was also concluded very quickly – within a year of the start of negotiations. On the other hand the Chemical Weapons Convention took ten years to negotiate as a high level of verification and confidence building was required in the treaty. It is likely that, unless there are major improvements in relevant global and regional security systems, nuclear weapon states will require a high level of confidence that there will be universal compliance with an NWC for them to agree to eliminate their nuclear weapons. Moreover, the nuclear systems of the different states are asymmetrical, requiring fairly complicated disarmament formulas. Thus, negotiations are likely to be complex and may take some time.

The approach adopted in the Model Nuclear Weapons Convention does not suggest a time bound framework for conclusion of the negotiations or fixed dates for the complete elimination of nuclear weapons. Rather it calls for the immediate commencement of negotiations that ought to be concluded in a quick but comprehensive manner.

At some stage a timeframe for elimination of nuclear weapons will have to be negotiated. The Model NWC suggests that this be done in phases, from entry into force. This is somewhat like incorporating a step-by-step process into a comprehensive approach. The Model NWC attempts to balance the need for a speedy elimination of nuclear arsenals with the concerns of safety, confidence, and irreversibility.

These considerations, while delaying conclusion of an NWC, should not prevent the commencement of negotiations. In fact, it is through the negotiations that these issues can be adequately addressed and resolved. What is desperately needed is the commitment to begin.

According to some analysts, lack of certainty about the future has created obstacles to the willingness to commence nuclear disarmament negotiations. William Walker in 1997 observed that:

[T]he main reason for the resistance of policy elites to disarmament, and for their ability to mount effective campaigns against nuclear abolition within the corridors of power, is that satisfactory answers have not yet been given to three fundamental questions:

1. Would nuclear disarmament increase or decrease national, regional and global security?
2. What exactly is entailed by nuclear disarmament—what is being disarmed,
and when has whatever is being disarmed finally been disarmed?

3. How do we get from here to there safely and securely, and once in the condition of disarmament how can we collectively ensure that we all stay there...?

Unhappily, there are no clear, unambiguous answers to these questions... Uncertainty is inherent to the current situation.

Since 1997 considerable attention has been given to these questions by political, academic and military analysts. With respect to the first question, the weight of evidence is overwhelming that regional and global security is seriously threatened by the continued possession and proliferation of nuclear weapons and that such security would be considerably enhanced by nuclear abolition (see “Why pursue an NWC”, below).

There has also been considerable work on the second and third questions, including inter alia, drafting of a Model Nuclear Weapons Convention that explores the legal, technical and political elements required for the achievement and maintenance of a nuclear-weapons-free world: papers published in the Nuclear Weapons Convention Monitor; work undertaken by the Commission on Weapons of Mass Destruction; verification studies on nuclear disarmament conducted by the United Kingdom and VERTIC; informal inter-governmental Article VI Forum meetings on the elements required to achieve a nuclear-weapons-free world; and technical studies on nuclear disarmament coordinated and published by INESAP.

Any remaining uncertainty about the second and third questions should not prevent but should stimulate work on an NWC. Uncertainty about the future did not prevent large-scale development and deployment of nuclear weapons, which shaped the international security regime. Similarly, decisive action towards nuclear disarmament will shape the viability of this goal. Uncertainty about the future has rarely prevented human beings from seeking answers—in fact, it is generally an incentive. In the context of nuclear weapons, pursuit of these answers is imperative for a positive outcome.

Significant impediments to the commencement and conclusion of negotiations on an NWC are the belief systems that nuclear weapons provide political power and military security. As long as these beliefs continue to be held by the governments of NWS, commencement of negotiations towards and conclusion of an NWC will remain a pipe dream. Once these beliefs are abandoned, the achievement of an NWC could happen very quickly. Thus, the next section looks at the rationale for abandoning nuclear weapons and moving to a nuclear weapons free world through a Nuclear Weapons Convention. Further discussion on nuclear deterrence and its replacement with security based on nuclear abolition can be found in the Critical Questions section.

Why Pursue a Nuclear Weapons Convention?

The rationale for a Nuclear Weapons Convention is outlined in the Preamble of the Model Nuclear Weapons Convention. It begins:

“We the people of the Earth, through the States signatory to this Convention:

Convinced that the existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all the creatures of this Earth,

Gravely concerned that the use of nuclear weapons might be brought about not only intentionally by war or terrorism, but also through human or mechanical error or failure, and that the very existence and gravity of these threats of nuclear weapons use generates a climate of suspicion and fear which is antagonistic to the promotion of universal respect for and observance of the human rights and fundamental freedoms set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,

Securing our Survival (SOS): The Case for a Nuclear Weapons Convention
Convinced of the serious threats posed to the environment by nuclear arsenals, the economic and social costs and waste of intellectual talent occasioned by these arsenals and the efforts required to prevent their use, the dangers inherent in the existence of the materials used to make nuclear weapons and the attendant problems of proliferation, the medically and psychologically catastrophic effects of any use of a nuclear weapon, the potential effects of mutations on the genetic pool and numerous other risks associated with nuclear weapons, and concludes, Convinced that a convention prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination is required to abolish these weapons from the Earth,

Some points made in the preamble deserve further explanation here.

Bridging the Divide between Non-proliferation and Disarmament

Former UN Secretary-General Kofi Annan, in his final major address before retiring in 2006, listed some of the major threats confronting humankind that require collective and comprehensive action. These include economic and social threats (poverty, environmental degradation and infectious diseases), conflicts between and within States, and terrorism.

Annan noted, however, that the greatest danger requiring action is that of nuclear weapons: “Even a single bomb can destroy an entire city, as we know from the terrible example of Hiroshima and Nagasaki, and today, there are bombs many times as powerful as those. These weapons pose a unique threat to humanity as a whole.”

Annan criticised countries for tackling this issue selectively and from two polarised paths. One of these is promoted by the “non-proliferation first” advocates (including the Nuclear-Weapons-possessing States), who take no action on their own stockpiles but attempt to prevent anyone else from acquiring nuclear weapons. The other path is pursued by the “disarmament first” advocates, who are hesitant to support stronger non-proliferation measures while the NWS make no progress on disarmament.

Annan expressed concern that because of inaction, the world is not only “sleepwalking towards disaster. In truth, it is worse than that – we are asleep at the controls of a fast-moving aircraft. Unless we wake up and take control, the outcome is all too predictable.”

The answer, according to Annan, is to work on both nonproliferation and disarmament. “An aircraft, of course, can remain airborne only if both wings are in working order. We cannot choose between non-proliferation and disarmament. We must tackle both tasks with the urgency they demand.”

The Nuclear Weapons Convention addresses nonproliferation and disarmament simultaneously and thus bridges the divide between the disarmament-first advocates and the non-proliferation-first advocates. The NWC adopts an abolition approach, which would prohibit proliferation as well as the maintenance of nuclear stockpiles and doctrines and plans for their use.

The NWC would establish legal, technical and political mechanisms that would prevent proliferation and nuclear terrorism and achieve disarmament. These include the comprehensive control of fissile materials, enhanced verification measures applicable to all nuclear-capable States and all nuclear-related facilities, and national implementation measures to prohibit any individual from engaging in nuclear weapons activities regardless of whether such individuals were government officials or non-State actors and whether such activities were related to activities of proliferation concern or to NWS practice of maintaining nuclear arsenals and the policies behind them.
The 21st Century faces an increased risk of a nuclear catastrophe from the proliferation of nuclear weapons to new States; the increasing potential for nuclear weapons acquisition and use by terrorists; and the further development of new, including “more usable”, nuclear weapons and expanded nuclear-use plans of the NWS. The NPT, which entered into force in 1970, provided a non-proliferation and disarmament bargain that has, until recently, been moderately successful in preventing further proliferation and in encouraging NWS to take disarmament steps. The NPT no longer provides this security. An NWC could do this and more – it could make the 21st Century the one in which nuclear weapons became as anachronistic as slavery and colonies.

Slippery Slope to Armageddon: the growing risk of a nuclear catastrophe through nuclear terrorism, proliferation and war

The post–Cold War “window of opportunity” for peace and disarmament has not resulted in the predicted peace dividend. Throughout the 1990s, however, a complex and interlocking web of multilateral, regional and bilateral agreements was in place and was seen as a positive foundation for progress on disarmament. Progress was frustratingly slow and at times undermined or challenged by the practices and stated policies of the nuclear weapon states, but the overall trend was towards arms control and solidification of non-proliferation achievements, with a general consensus on the need for progress towards disarmament.

The limited capacity of the NPT and associated safeguards to prevent proliferation was graphically demonstrated in 1991 by the advanced nuclear weapons program that Iraq had developed while a party in apparently good standing to the NPT. Israel’s development of nuclear weapons had already highlighted the weakness of a non-proliferation regime that was not universal. Since the dissolution of the Soviet Union in 1991, public fears of a nuclear war subsided until nuclear tests by India and Pakistan in 1998 and their conflict in 2002 that nearly resulted in all-out war. These provided sobering wake-up calls that not all was well in the nuclear arena. Not only did they raise the appalling spectre of a nuclear exchange between the two countries, they also demonstrated the erosion of the non-proliferation regime and the inevitability of nuclear weapons acquisition by additional countries if a global disarmament regime was not achieved in the near future.

The non-proliferation regime unravelled further in 2003 when North Korea quit the NPT and announced its own nuclear weapons program as a response to the US and UK invasion of Iraq. As North Korea explained, Iraq was invaded after they destroyed their weapons of mass destruction. Thus, North Korea articulated a need for their own WMD in order to deter the US from attacking their country.20

The risks of nuclear terrorism have also increased with the growing sophistication of terrorist organisations, the increasing willingness of terrorist organisations to kill larger numbers of people in their attacks, and the increasing availability of nuclear materials and know-how. Both nuclear terrorist and state proliferation risks were highlighted by the discovery of the black-market nuclear trade undertaken by the A.Q. Khan network, an extensive international network which operated for years, with transit points and dealers in 30 countries, selling uranium enrichment centrifuge designs and components, and Chinese nuclear weapons designs.21
The legal-political foundation of disarmament has been further shaken by a new preventive-use-of-force doctrine in which certain Nuclear Weapon States claim a right to pre-emptively attack other countries that are suspected of developing nuclear weapons or other WMD. In addition, there has been a growing abandonment by a few States of hard-won arms control and non-proliferation achievements, the abrogation of treaties and the blocking of negotiations and treaty bodies. The abrogation by the US of the Anti-Ballistic Missile (ABM) Treaty, the first renunciation of a major nuclear arms control agreement, was an extremely negative precedent.

While international attention has been drawn to the non-existent weapons of mass destruction in Iraq and the nuclear tests in South Asia and North Korea, what is not widely realized is that the nuclear weapon states maintain 27,000 warheads with a combined explosive potential 330,000 times greater than the Hiroshima bomb.22 Several thousand of these weapons are on hair-trigger alert and are ready to be fired at several minutes notice. It is also not widely known that France, the UK, the US and now also Russia maintain policies that permit first use of nuclear weapons—that is, they maintain the option to use nuclear weapons even when nuclear weapons are not used or threatened against them.

In January 2006, French President Jacques Chirac said that France was prepared to launch a nuclear strike against any country that sponsors a terrorist attack against French interests. He said his country’s nuclear arsenal had been reconfigured to include the ability to make a tactical strike in retaliation for terrorism.23 This opens up the possibility that nuclear weapons could be used in a range of conflicts, not just those between nuclear states. In fact, the US is known to have made explicit threats to use nuclear weapons four times since the end of the Cold War: against Iraq, Libya, Iran and North Korea.

The implications of any use of nuclear weapons need to be spelled out repeatedly—this is the fundamental physical, biological and social reality which must underpin all discussion of nuclear weapons. The International Court of Justice warned in 1996 that any use of even a tactical nuclear weapon would threaten escalation into a devastating nuclear exchange. The Court also noted the uniquely destructive aspects of nuclear weapons in both blast and radiation and stated that “[t]he destructive power of nuclear weapons cannot be contained in either space or time”.24

Nor is the nuclear arms race over. Nuclear weapon states continue to research, design, test, modernise and develop nuclear weapons. Programs to develop reliable replacement warheads, earth-penetrating warheads and mini-nukes are at various stages in the US. The total US budget for nuclear weapons work soared to roughly $US 6 billion in the 2005-2006 fiscal year from a low of about $US3200 million in 1994-1995. The Department of Energy plans to spend almost $90m in fiscal year 2008, $40 million on the Reliable Replacement Warhead group of warheads. This new weapon would replace the W-76 Trident warhead in service with the US Navy.

In early 2006, Russian President Vladimir Putin boasted of a new hypersonic missile for delivering nuclear and other weapons that is capable of changing flight path. Laboratory-based expansions of French nuclear warhead design, development and production capacities have been under way for a number of years. For example, more than $US 3 billion is being spent on a new high-energy laser facility. This year, France is expected to start testing a new missile (the M 51) for its submarine-launched nuclear warheads, which will have an increased range, France is also working on improving the capabilities of its air-launched nuclear delivery vehicle along with a more “robust” warhead, the tête nucléaire aéroportée.

On 14 March 2007, the House of Commons voted in favour of the UK government’s plans to renew its Trident submarine-launched ballistic missiles. The UK government has announced its intent to spend more than £1000 million over the next three years on
refurbishing key facilities at its nuclear weapon complex. This includes new facilities for assembling and disassembling nuclear weapons and the handling of high explosives and weapon-grade uranium, as well as a new high-energy laser facility. Plans to recruit more than 1000 new staff over the next three years have also been announced, as has the extension of the nuclear weapon cooperation agreement with the US for another 10 years.

In February 2002, the *Bulletin of the Atomic Scientists* moved the hands of its Doomsday Clock forward from nine minutes to midnight to seven minutes to midnight. On 17 January 2007, the Bulletin’s Board of Directors and Board of Sponsors, including 18 Nobel Laureates again moved the hands of the clock forward to five minutes to midnight. They stated:

“Not since the first atomic bombs were dropped on Hiroshima and Nagasaki has the world faced such perilous choices. North Korea’s recent test of a nuclear weapon, Iran’s nuclear ambitions, a renewed US emphasis on the military utility of nuclear weapons, the failure to adequately secure nuclear materials, and the continued presence of some 26,000 nuclear weapons in the United States and Russia are symptomatic of a larger failure to solve the problems posed by the most destructive technology on Earth.”

In 2005, Robert McNamara, former US Secretary of Defense wrote of the increased risks of nuclear proliferation and nuclear weapons use because of the policies of the NWS:

Among the costs of maintaining nuclear weapons is the risk—to me an unacceptable risk—of use of the weapons either by accident or as a result of misjudgement or miscalculation in times of crisis. The Cuban Missile Crisis demonstrated that the United States and the Soviet Union—and indeed the rest of the world—came within a hair’s breadth of nuclear disaster in October 1962…

Human beings are fallible. In conventional war, mistakes cost lives, sometimes thousands of lives. However, if mistakes were to affect decisions relating to the use of nuclear forces, there would be no learning curve. They would result in the destruction of nations. The indefinite combination of human fallibility and nuclear weapons carries a very high risk of nuclear catastrophe…

If the United States continues its current nuclear stance, over time, substantial proliferation of nuclear weapons will almost surely follow. Some, or all, of such nations as Egypt, Japan, Saudi Arabia, Syria, and Taiwan will very likely initiate nuclear weapons programs, increasing both the risk of use of the weapons and the diversion of weapons and fissile materials into the hands of rogue states or terrorists.

McNamara, former US President Jimmy Carter, former Head of US Stratcom General Lee Butler, and others, have concluded that the only strategy that can ensure humanity does not risk a nuclear catastrophe is to move towards the complete abolition of nuclear weapons. Prominent Cold Warriors former Secretaries of State Henry Kissinger and George Schultz, and Defense Secretary William Perry, urged the US to lead in creating “a world without nuclear weapons” in the *Wall Street Journal* in January 2007. Drawing from their expertise and direct experience in dealing with nuclear weapons, their analysis was that the reliance on nuclear weapons is becoming “increasingly hazardous and decreasingly effective”.

The Legal Obligation

Under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), “Each of the Parties to the Treaty undertakes 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.”

On 8 July 1996, the International Court of Justice concluded unanimously that “[t]here 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 significance of the ICJ decision is that it affirmed that:
- the existence of a good-faith obligation means there is an obligation to achieve the goal, not merely to discuss the possibility or even to negotiate towards it;
- the obligation is not merely to achieve steps toward nuclear disarmament, but to achieve nuclear disarmament “in all its aspects” (that is, to achieve the complete elimination of nuclear weapons);
- the elimination of nuclear weapons should occur under international control; and like any legal obligation, this obligation must be performed within an appropriate timeframe and cannot be postponed indefinitely.

The UN General Assembly, which had originally requested the opinion from the ICJ, determined through yearly resolutions that this obligation should be fulfilled by the immediate commencement of negotiations leading to an early conclusion of an NWC prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination. The European Parliament repeated this call on 13 March 1997.

The conclusions of the General Assembly and European Parliament are not surprising. An NWC provides the most logical way to satisfy the ICJ requirements that nuclear disarmament be negotiated and completed under strict and effective international control. An NWC is also the most logical way to achieve the elimination of nuclear weapons in a non-discriminatory manner that will incorporate the security concerns of states that currently possess nuclear weapons, because the negotiation process will inevitably require consideration of such concerns. The NWC is also the most logical way of drastically reducing, if not to eliminating, the threat from nuclear weapons. Partial steps that leave any number of nuclear weapons in the arsenals of some states will not provide a solution.

The Canberra Commission observed: “The proposition that nuclear weapons can be retained in perpetuity and never be used—accidentally or by decision—defies credibility ... The opportunity now exists, perhaps without precedent or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons, and in accordance with the principles of the Charter of the United Nations.”

This view is now supported by the majority of governments in the world and even more so by citizens, including citizens of the nuclear weapon states and their allies. Public opinion polls in the UK, the US, the Netherlands, Germany, Canada and Belgium consistently show that more than 80 per cent of people support an NWC [see table above]. The Mellman Group poll in the US showed that the public was not generally in favour of nuclear disarmament unless it was in the context of an NWC.

While the ICJ opinion cited the NPT as an important indication of disarmament responsibility, it did not assert that the obligation is confined to states parties to the NPT. ICJ President Bedjaoui, in his separate declaration, stated that the obligation has “assumed customary force” and that “it is the duty of all to seek to attain [nuclear disarmament] more actively than ever”.

The US and the UK argued at the ICJ that their nuclear disarmament obligation was linked to progress in conventional disarmament and in developing alternative security systems to the system of nuclear deterrence. The Court did not accept this argument and, apart from the requirement for international control, made no mention of conditions that were required to move toward nuclear disarmament.
Thus the question to be asked is not why there should be an NWC, but why nuclear weapon states have not yet agreed to start negotiating one.

The Strategic Factor

“The failure to address the nuclear threat and to strengthen existing treaty obligations to work for nuclear weapons abolition shreds the fabric of cooperative security. A world with nuclear haves and have-nots is fragmented and unstable, a fact underscored by the current threats of proliferation. In such an environment cooperation fails. Thus, nations are unable to address effectively the real threats of poverty, environmental degradation and nuclear catastrophe.”

- The Rome Declaration of Nobel Laureates
7th World Summit of Nobel Peace Laureates
19 November 2006

An NWC is the most crucial step towards a world without weapons of mass destruction. These were developed as the logical extension of conventional military thought, according to which the goal of the military is to threaten or use superior force on an enemy in order to protect strategic interests. Historically, governments in conflict have sought to develop ever-larger military force capabilities in order to meet this aim, and these capabilities have, over time and with advances in scientific knowledge and technologies, developed into weapons of mass destruction. Many major new forms of technology, once developed, have been adapted for use in weapons. Prohibition of particular types of weapons, especially weapons of mass destruction, reverses this historical trend. The goal of peace and abolition of the social institution of war itself are at the core of every major ethical and religious tradition, and integral to goals of justice, sustainability, custodianship and human rights.

The possibility for achieving an NWC will be enhanced by efforts that increase the interdependent web of political, social, environmental, legal and economic factors and instruments that increasingly interlink human security worldwide. These developments contribute to and the conclusion of an NWC will in turn contribute to these developments. An emerging NWC will be supported by current social and political change, and will lead to future change. The support globally for a NWC has resulted in part from a paradigm shift in political, social and economic systems and in consciousness. The world is moving away from self-contained nation-state systems to inter-state interdependence combined with globalization. The enterprises and concerns of humanity are becoming much more international through the development of transnational and international corporations, a global market, international institutions, and communications systems. The environmental and social effects of policies and practices, and the influences of civil society organizations and movements, and even a globalization of cultures and identities all contribute to the evolving sense of global interconnectedness.

Indeed nuclear weapons are the paramount globalisation issue. The discovery of the nuclear winter effect – the dramatic global climatic consequences of nuclear war between the US and the former Soviet Union – made it clear that every inhabitant of the planet could be drastically affected. Landmark international collaborative studies undertaken in the 1980s under the auspices of the International Council of Scientific Unions predicted that following a major nuclear war, more people would die of starvation in areas such as India and Africa – even without being targeted – than would die of the direct effects of nuclear blasts in the countries directly targeted. While counterforce scenarios involving the two nuclear superpowers involved several thousand nuclear explosions and more than 1,000 Mt explosive yield, major climatic consequences could be expected with even 100 nuclear explosions targeted on cities.
Recent studies using state-of-the-art interactive climate models demonstrate that detonation of 50 “low yield” Hiroshima-size nuclear weapons (15 kt explosive yield) in each of two countries, would result in tens of millions of direct fatalities; for example, a conservatively estimated 21.7 million immediate deaths following use of 100 such weapons in India and Pakistan. Such a scenario utilizes less than 0.1% of the current global nuclear arsenal in terms of weapon numbers, and only 0.03% of the explosive yield of the current global nuclear arsenal. It is estimated that not only Britain, France, and China, but also Israel, India and Pakistan, possess sufficient nuclear weapons to make such a scenario quite plausible. Reducing the yields of nuclear weapons from those typical of the US or Russian strategic arsenals to those more likely to be associated with the newer nuclear weapons states or, potentially, terrorist groups, does not reduce the potential destruction proportionately. Per kiloton of yield, low-yield weapons can produce 100 times the fatalities and 100 times the amount of smoke from fires as high yield nuclear weapons, if targeted at city centres.\textsuperscript{36}

State-of-the-art analyses of the climatic consequences of a nuclear war involving 100 Hiroshima-size (15 kt) bombs exploded on cities in the subtropics demonstrate large and long-lasting climate changes, with significant cooling and drop in rainfall lasting years, which would impact the global food supply.\textsuperscript{37} Smoke plumes generated by burning cities, the plumes would rise high into the stratosphere, causing climatic changes, that would be more long-lasting, if less dramatic, than previous nuclear winter simulations involving a massive nuclear weapons exchange between the superpowers.

These findings underscore the profound dangers posed by all nuclear weapons to all of the world’s people, wherever they live.

“Progress towards a nuclear weapon free world should not be made contingent upon other changes in the international security environment. Successful nuclear weapon negotiations will benefit other security related negotiations and progress in regional and other political and security related negotiations will enhance the prospect of building a nuclear weapon free world.”

Canberra Commission on the Elimination of Nuclear Weapons

Defending borders with ever-larger military capacities is becoming meaningless in an increasingly borderless world—where power structures are being transformed from state-based to more transnational systems.

Nuclear weapons do not fit into this emerging future but instead hold up its development by reinforcing old and dangerous power paradigms. An NWC, on the other hand, will necessarily involve many different elements of global society in its implementation and will generate new mechanisms for global cooperation. It is both a logical result of global change and an enabler of it. The experience, mechanisms and lessons involved in achievement of an NWC could be expected to have substantial positive benefits for efforts addressing a wide range of other global challenges, and will create a suite of new possibilities to enhance global cooperation and the rule of law. It would liberate massive fiscal, human and technical resources for investment in human development and sustainability. The achievement of an NWC would also be welcomed with enthusiastic celebration and enormous relief worldwide.

Global Support for a Nuclear Weapons Convention

Global rejection of nuclear deterrence and support for the comprehensive abolition of nuclear weapons, encompassing both non-proliferation and disarmament, is growing stronger. Examples of such support can be found on the opposite page. Governmental
and civil society support for a Nuclear Weapons Convention, as the most practical and feasible way to achieve abolition, is also growing, as indicated by the following:

- In November 1995, Abolition 2000, an international network calling for negotiations on an NWC, was established. More than 2000 organizations have now joined this network.\textsuperscript{38}
- Since 1996, the UN General Assembly has adopted resolutions every year specifically calling for negotiations leading to the conclusion of an NWC.\textsuperscript{39} A number of other resolutions have also supported the call for such negotiations.\textsuperscript{40}
- The Canberra Commission on the Elimination of Nuclear Weapons, which included former key policy makers of the NWS,\textsuperscript{41} concluded that “The maintenance of a nuclear weapon free world will require an enduring legal framework, linked to the Charter of the United Nations, possibly in the form of a convention on nuclear weapons.”\textsuperscript{42}
- On 13 March 1997, the European Parliament called on all members to support negotiations leading to the conclusion of a convention for the abolition of nuclear weapons.
- The Foreign Ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden released a joint statement in 1998 (New Agenda Statement) which noted that “The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.”\textsuperscript{43}
- Public opinion polls conducted in Australia, Belgium, Canada, Germany, Holland, Japan, Norway, the UK, and the US have indicated overwhelming public support for a nuclear weapons convention.
- Separate resolutions have been introduced to the US House of Representatives by Representatives Lynn Woolsey,\textsuperscript{44} Dennis Kucinich\textsuperscript{45} and Eleanor Holmes Norton\textsuperscript{46} calling for negotiations leading to the conclusion of a nuclear weapons convention.
- More than 1500 mayors have joined the Mayors for Peace Vision 2020, which calls for the negotiations on a nuclear weapons convention to be concluded by 2010 with complete elimination of nuclear weapons by 2020.
- In October 2005, the Middle Powers Initiative launched the Article VI Forum in order to bring like-minded States together to “identify the legal, political and technical requirements for the elimination of nuclear weapons,” and to undertake “informational and preparatory work for the development and implementation of the legal, political and technical elements, and the exploration of ways to start negotiations on disarmament steps leading to a nuclear weapons convention or a framework of instruments for the abolition of nuclear weapons.”\textsuperscript{47} Approximately 40 middle power governments have participated in Article VI Forum meetings held in New York, the Hague and Ottawa.
- In June 2006 the Weapons of Mass Destruction Commission called on all States to “accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons (ie. by a comprehensive abolition treaty), and explore the political, legal, technical and procedural options for achieving this within a reasonable time.” The Commission also concluded that “a nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures.”\textsuperscript{48}
How to Achieve a Nuclear Weapons Convention?

“A key challenge is to dispel the perception that outlawing nuclear weapons is a utopian goal. A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. … all states should commence planning for security without nuclear weapons. They should start preparing for the outlawing of nuclear weapons through joint practical and incremental measures that include definitions, benchmarks and transparency requirements for disarmament.”

There are three general views as to how nuclear disarmament can best be achieved. The first, a step-by-step approach, entails negotiations on a limited number of initial steps towards nuclear disarmament. The US, which supports this approach, has indicated that next steps should be bilateral reductions in stockpiles as agreed under the Moscow Treaty, and a treaty to cut off production of fissile material. The NPT Review Conferences in 1995 and 2000 agreed that a Comprehensive Test Ban Treaty was one of these disarmament steps, but the US has since reversed its support for the CTBT.

A divergent perspective calls for comprehensive negotiations on the complete elimination of nuclear weapons under a time-bound framework. The Non-Aligned Movement, for example, has called on the Conference on Disarmament to “commence negotiations … on a phased program of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework.”

A third perspective calls for a middle path between the first two, combining elements of the step-by-step approach and the comprehensive approach into an incremental–comprehensive program. The declaration of eight foreign ministers entitled Towards a Nuclear-Weapon-Free World: The Need for a New Agenda, calls for a series of bilateral, plurilateral, and multilateral steps, which would lead towards the elimination of nuclear weapons through a legally binding instrument or framework of instruments.

Step-by-Step Approach

The US argues that “the step-by-step is the only realistic approach in this highly complex field”, and that it is “yielding significant, concrete results in the area of nuclear disarmament”. The validity of the second point is hotly contested. While the step-by-step process has delivered a number of limited disarmament and arms control treaties, including the Strategic Arms Reduction Treaties (START I & II), the INF and Moscow Treaty, the Partial Test Ban Treaty (PTBT) and negotiation of the Comprehensive Test Ban Treaty, these have had little effect on the policies of the nuclear weapon states, on their ability to inflict unimaginable damage worldwide with their remaining weapons, or on their ability to design and develop new weapons and delivery vehicles.

Under START I and the Moscow Treaty the US and Russia are reducing their deployed nuclear weapons to no more than 2200 by 2012. The US, at least, has no intention of reducing these numbers further. The US claims, “This range establishes the lowest possible number consistent with national security requirements and alliance obligations while maintaining a level that provides a credible deterrent.” By “credible deterrent” the US explains that, “US nuclear forces dissuade potential adversaries by being so numerous, advanced, and reliable that the US retains an unassailable edge for the foreseeable future.”

In fact, the US retains the option to reverse these reductions: “The remaining US strategic nuclear weapons remain in storage and serve as an augmentation capability should US strategic nuclear force requirements rise above the levels of the
Moscow Treaty."57 In the words of the WMDC: “While continuing the positive downward trend in deployments, this treaty does not involve any destruction of warheads, as they will simply be put in to storage, nor any counting rules or new verification measures. Under SORT, deployments change but the weapons remain.”58

It is unlikely that Russia would unilaterally cut its nuclear forces much below the numbers of US forces. As most strategic weapons have yields of 100-500 kilotons, this will leave an explosive equivalent of approximately 100,000 Hiroshima-sized bombs in US and Russian arsenals in 2012 and into the indefinite future.

The Partial Test Ban Treaty (PTBT), hailed as an important disarmament step, in fact did not halt nuclear testing, since the nuclear weapon states merely shifted to underground tests. In fact, more nuclear tests have been conducted since the PTBT came into force (1679) than before its implementation (372).59 The Comprehensive Test Ban Treaty has been instrumental in curtailing nuclear test explosions by the NWS, but has not prevented testing by other means (see below).

It is also hard to characterize the proposed Fissile Material Cut-Off Treaty (FMCT) as a real disarmament measure, considering that the nuclear weapon states have huge stockpiles of highly enriched uranium (HEU) and plutonium and thus will not be limited by a cut-off in production of these materials—in fact, they have already stopped production unilaterally. The proposed FMCT could possibly help to limit nuclear weapons production and stockpiling by the nuclear weapon states, were it to include a ban on the production of tritium, a warhead component that must be replaced regularly due to fast decay. Tritium, however, has been exempted from the FMCT negotiations.60

The achievement of insignificant steps can actually have a detrimental effect on—and delay progress towards—elimination of nuclear weapons, by giving an appearance of progress that can reduce impetus towards more significant steps and that could even derail ongoing negotiations. In the 1961 negotiations on a nuclear test ban treaty, for example, both the Partial Test Ban Treaty and a Comprehensive Test Ban Treaty (CTBT) had been proposed. There was considerable public and political pressure for a CTBT. The conclusion of the PTBT, despite its failure to restrain the number of nuclear tests and the development of new nuclear weapons, was generally perceived as a step towards nuclear disarmament. The PTBT thus took the wind out of the sails of the CTBT campaign. This was a key factor in the long delay before a CTBT was negotiated.

Negotiating the CTBT in the 1990s without incorporating India’s proposals that the treaty be linked to a firm commitment to complete nuclear disarmament may have been a factor in India’s decision to conduct nuclear tests in May 1998—definitely a backward step in global non-proliferation efforts.61 Another backwards step was taken in October 2006 when the Democratic People’s Republic of Korea tested a nuclear weapon.

The long, drawn-out, step-by-step process that characterizes current arms control efforts ensures that by the time a step has been achieved the nuclear weapon states have generally developed their technology to a stage where they no longer need whatever it was they were negotiating away. For example, by the time nations had agreed to the CTBT, most nuclear weapon states had developed the ability to conduct a range of non-
explosive nuclear weapons tests.\textsuperscript{62} This has led some nuclear disarmament advocates to oppose the CTBT in its current form.\textsuperscript{63} Many would claim, in fact, that the nuclear weapon states have never agreed to any disarmament step until they have developed the technology to replace what they were giving up.\textsuperscript{64}

It is arguable, therefore, that the step-by-step approach to the elimination of nuclear weapons has been tried and, on the whole, has failed, despite significant incremental accomplishments. The nuclear weapon states are no closer to nuclear disarmament now than when they accepted their obligation to disarm under the Non-Proliferation Treaty more than three decades ago. As a matter of numbers alone, there has been only modest reduction from the nuclear stockpiles that existed when the NPT entered into force in 1970. At that time there were 39,000 nuclear weapons. Now there are 27,000.\textsuperscript{65} An equally important point is that the nuclear weapon states have made no moves away from policies of threat or use. The UK, the US and France have been joined by Russia in refusing to rule out the first use of nuclear weapons and are continuing to keep thousands of nuclear weapons on alert status. In addition, the threat of use, including even the use in a pre-emptive first strike, has been extended to cover threats from chemical and biological weapons,\textsuperscript{66} terrorism, and conventional weapons. Moreover at a time when vertical proliferation continues, horizontal proliferation is accelerating, the nuclear terrorist risk is growing, and the threshold for use of nuclear weapons has been lowered, the pace of incremental progress in nuclear disarmament has ground virtually to a halt. The CTBT, concluded in 1996, languishes while key states including China, Israel and particularly the US refuse to ratify it, and other NWS (India, North Korea and Pakistan) have yet to sign it. The SORT Treaty is fundamentally flawed - involving time-limited, non-binding, non-verified and reversible withdrawals of weapons from deployment. \textit{No} substantive nuclear disarmament negotiations are currently underway.

Serious consideration should be given to the validity of the view that “the step-by-step process is the only realistic approach in this complex field”. Nuclear disarmament is complex. There are many political, legal and technical considerations in the process of abandoning nuclear use policies, eliminating the stockpiles, and maintaining a nuclear-weapon-free world. The political considerations may be most important. The governments of nuclear weapon states continue to resist any but the most minimal nuclear disarmament steps, because they believe that nuclear weapons still serve one or more purposes. They continue to assert their belief that nuclear weapons prevent war. The UK, for example, has argued that nuclear weapons are a necessary insurance policy in order to prevent “subjection to conquest which may be of the most brutal and enslaving character”.\textsuperscript{67} The US has argued that “the policy of nuclear deterrence has saved many millions of lives from the scourge of war during the past 50 years. In this special sense nuclear weapons have been used defensively every day for over half a century … to preserve the peace.”\textsuperscript{68}

There is also evidence of an unspoken belief among the nuclear weapon states that nuclear status confers political power. In 1995 the Mexican Ambassador to Geneva noted:

“What is at the heart of this debate is that it … forces a rethinking of the whole cold war power structure … Look at France … The French government thinks that their legitimacy comes from having nuclear weapons. Take away their nukes and their Security Council veto, and what are they? A little more than Italy and less than Germany.”\textsuperscript{69}

Until the nuclear weapon states abandon these perspectives, which risk unprecedented worldwide destruction and undermine the security of their own people as much as that of others, they will not agree to a comprehensive approach to nuclear disarmament. Thus, a limited step-by-step approach, minimal as it is, may indeed be the only realistic way some governments see to move forward today. The danger of maintaining the status quo and the increasing instability of the non-proliferation regime may soon alert them to the need for reduced reliance on nuclear weapons, but public pressure is also needed.
Securing our Survival (SOS): The Case for a Nuclear Weapons Convention

Section 1

The corporate and scientific interest in maintaining a robust nuclear weapons industry also constrains nuclear disarmament to limited steps. Harold Muller notes that “[t]housands of jobs and careers depend on the production, or at least the maintenance, of these weapons.”70 Scientists, engineers, bureaucrats and corporations have considerable power to influence government decisions on nuclear policy.

According to Lichterman and Cabasso, the weapons laboratories in the US convinced the Clinton administration that the only way to achieve congressional support for a CTBT was to guarantee a well-funded “nuclear weapons research and testing program of Cold War proportions that will keep nuclear weapons in the arsenal, in the budget, and in the career paths of scientists well into the next century”.71

Comprehensive Approach

Advocates of the comprehensive approach argue that it is high time the nuclear weapon states abandoned their nuclear deterrence policies and began work on a treaty for their complete elimination of nuclear weapons. Their arguments include the following:

- Nuclear deterrence is inherently unstable and is bound to fail at some point. Deterrence relies on preventing an attack by convincing the enemy that a nuclear response would result. An enemy is only convinced if they perceive a genuine chance that nuclear weapons may be used against them. Thus, the line separating threat from actual use in a conflict situation must remain solid for deterrence to work. Once this line is crossed, deterrence has clearly failed, and when it fails, there is no plan B. In the Cuban Missile Crisis, the Soviet Union approached that line and then backed down. Had they crossed the line, the US would have faced a dilemma: either use nuclear weapons or downgrade their deterrent value. If nuclear deterrence remains an indefinite policy, a conflict between nuclear weapon states—whether through intent, human error, malice or ill will, technical malfunction, inadvertent crisis escalation, sabotage, or terrorist provocation—will inevitably cross the line at some time and thus result in a nuclear exchange.

- Nuclear war could also occur by accident or miscalculation. A number of accidents that could have resulted in an inadvertent nuclear exchange have already occurred.72

- Nuclear deterrence stimulates other states to develop or acquire either nuclear weapons or other weapons of mass destruction in response. For these reasons, nuclear deterrence should be abandoned immediately. There is no valid reason to wait until nuclear disarmament steps have been achieved before dropping policies of first use—or indeed any use—of nuclear weapons.

Proponents of a comprehensive approach also argue that this is the only way to deal with the asymmetries in nuclear arsenals and capabilities, as has been clearly demonstrated in the case of the Comprehensive Test Ban Treaty. The CTBT was originally proposed by India. Yet India rejected the CTBT when it was finally concluded, because by then other nuclear weapon states had developed the means for non-explosive testing while India had not.73

With the US, Russia, France, the UK and some of their allies refusing at this stage to embark upon a comprehensive approach, such a proposal seems unrealistic.74 As indicated by the work of the Article VI Forum and others,75 however, it is possible for likeminded States to make some progress on the development and implementation of the legal, technical and political elements for a nuclear-weapons-free world even before all NWS have agreed to such a comprehensive approach. A change in political circumstances, governments, or leaders may suddenly enable progress, and such

“As a matter of numbers alone, there has been very little net reduction from the nuclear stockpiles that existed when the NPT entered into force in 1970. At that time there were 39,000 nuclear weapons, Now there are 36,000”
- Canberra Commission, August 1996
changes may be facilitated by public and political pressure and preparatory work. Advocates of a comprehensive approach, however, believe that it is possible to change the perspectives of the hold-out NWS and their allies. Indeed, rejection of nuclear deterrence and support for a rapid and comprehensive disarmament process has already permeated the consciences of many academics, policy makers, scientists, military leaders, and citizens throughout the world. For example:

- On 6 February 1985, the cities of Hiroshima and Nagasaki launched an appeal calling for the complete prohibition and elimination of nuclear weapons. The appeal has since been signed by more than 80 million people, making it the largest petition in the world.  

- On 5 December 1996, General Lee Butler and more than 50 other retired generals and admirals from 17 countries including Russia, the UK, France, India and Pakistan released a statement calling for the comprehensive elimination of nuclear weapons. 

- On 17 June 1997, the US National Academy of Sciences released a report calling for a long-term strategy of complete elimination of nuclear weapons and intermediate steps including restricting the role of nuclear weapons to only deterring nuclear threats. 

- On 2 February 1998, 117 civilian leaders, including 47 past or present heads of state, (including from France, US, UK, Russia, Germany, Japan and South Korea), released a statement calling for the elimination of nuclear weapons. 

- On 9 June 1998, the foreign ministers of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden released a joint declaration calling for a new agenda for nuclear disarmament culminating in the elimination of nuclear weapons.

- In October 1998, 75 US bishops released a statement condemning nuclear deterrence and called for nuclear abolition. Fifteen years earlier this same group of bishops had condemned the use of nuclear weapons but had given limited support to nuclear weapons possession and nuclear deterrence. 

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- On 3 October 2000, 70 prominent Americans, including former President Jimmy Carter, Martin Sheen (actor), General Charles Horner (Commander of the Coalition Air Forces in Desert Storm and Former Commander in Chief of US SPAC ECOM), Admiral William J. Crowe Jr. (Former Chairman of the Joint Chiefs of Staff), Walter Cronkite, Ambassador Paul Nitze, Admiral Stansfield Turner (Former Director of Central Intelligence); Elie Wiesel (Nobel Peace Laureate, Mia Farrow, Bill Joy (Co-Founder and Chief Scientist Sun Microsystems), Sally Ride (Astronaut and President of Space.com), Hans Bethe (Nobel Peace Laureate and physicist in the Manhattan Project), Joe Firmage (CEO Project Voyager and Former CEO of US Web), and Steven Kirsch (Founder Infoseek and Chairman and Founder Propel), released a statement in the New York Times calling upon “the United States government to commit itself unequivocally to negotiate the worldwide reduction and elimination of nuclear weapons, in a series of well-defined stages accompanied by increasing verification and control.”

- On 25 June 2001, the US Conference of Mayors adopted a policy supporting the elimination of nuclear weapons and presented this policy along with a longer Mayors Statement on nuclear disarmament to President Bush when he addressed the conference on the same day.

- The World Council of Churches, at its 9th Assembly in February 2006 in Porto Alegre, Brazil, issued a Minute on the Elimination of Nuclear Arms, which recognizes “the incontrovertible immorality of nuclear weapons.” The five original nuclear weapons states “must pledge never to be the first to use nuclear weapons, never threaten any use, and remove their weapons from high alert status and from the territory of non-nuclear states.” The Assembly “calls on each member church to urge its own government to pursue the unequivocal elimination of nuclear weapons under the terms of the Nuclear Non-Proliferation Treaty.”

- In June 2006, the Weapons of Mass Destruction Commission issued its report declaring that a nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures.
By October 2006, more than 1,500 mayors in 120 countries had joined Mayors for Peace, which is designed to build solidarity and facilitate coordination among the cities that support the Program to Promote the Solidarity of Cities towards the Total Abolition of Nuclear Weapons.

Advocates of a comprehensive approach have also noted the parallels between nuclear weapons and landmines, for which a comprehensive approach was successful. Francis Sejersted, at that time the Chairman of the Nobel Committee, noted that: “Both hit victims at a vast remove from the actual warfare. They strike mainly at civilian populations, and their effects continue for generations after the end of the armed conflict. They are weapons, which cast the shadow of war also across peace. War’s threat to life and limb is everywhere and never ending.”

For some years, negotiations on landmines were bogged down in a step-by-step process involving negotiations of limited protocols of the Inhumane Weapons Convention. The shift by the majority of states to a comprehensive approach, led by Canada in the early 1990s, resulted in the rapid conclusion of the Mine Ban Treaty.

A key to the success of the landmines campaign was that the focus on a complete ban, not just on control of landmines or a ban on certain types such as “dumb” mines, captured public attention as a meaningful and visionary measure. During the negotiation process, the comprehensive approach allowed the negotiators to jump over tricky issues such as which types of mines are “smart” and which types are “dumb”, and to sidestep the fact that control mechanisms tend to discriminate in favour of technically advanced countries.

A similar comprehensive approach to nuclear weapons has the potential to capture public attention and to jump over deadlocks in negotiations caused by asymmetries in nuclear capabilities; disagreements over definitions, scope, and relative priorities; a range of complexities regarding reporting and verification; and other issues—deadlocks that cannot be overcome by partial measures.

Canadian Member of Parliament Bill Blaiklie had this to say after the achievement of the Mine Ban Treaty: “What we need now is a similar but even more comprehensive and successful dynamic—to abolish nuclear weapons which pose a threat to the entire human prospect.”

An Incremental–Comprehensive Approach

An alternative path forward between the above two extremes has been described as an incremental–comprehensive approach. This approach incorporates step-by-step measures within a comprehensive framework. It is the approach suggested by the Canberra Commission on the Elimination of Nuclear Weapons, by the New Agenda Coalition and the Weapons of Mass Destruction Commission.

The UN resolutions in relation to the International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons also suggest this approach. These resolutions call for the implementation of the disarmament obligation through negotiations leading to the conclusion of a nuclear weapons convention.

In introducing the follow up of the ICJ resolution, Malaysia noted:

While a model draft convention prepared by leading international nuclear disarmament experts is already in circulation as a basis of discussion, my delegation is not ... suggesting the immediate negotiations on such a convention at this stage. We believe the road towards the total elimination of nuclear weapons will be a long
and arduous one and would be best travelled through a series of well-defined stages, accompanied by proper verification and control mechanisms. Such an approach is, therefore, not incompatible with the step-by-step incremental approaches already mooted by others.\textsuperscript{94}

An incremental–comprehensive approach has many advantages over a purely step-by-step approach. It would ensure that negotiations would continue beyond the achievement of small steps. Negotiators, policy makers and the public would all understand that the goal is not the small step but the complete measure. It could also increase the momentum to complete the elimination process as governments and citizens feel empowered by initial success and develop greater confidence that the final goal is achievable.

An incremental–comprehensive approach would help to overcome the problems of asymmetry in nuclear arsenals. Negotiating parties would be willing to accept temporary imbalances in forces or capabilities because they would be confident that such temporary imbalances would be rectified by subsequent measures that would be part of the negotiating program. Ultimately, the only real balance will occur when no state possesses nuclear weapons. If they recognize a clear program and can see progress to reach that goal, states will more easily agree to the steps along the way.

While the path to nuclear disarmament will not mirror precisely the paths taken towards the abolition of biological weapons, chemical weapons, and landmines, adopting a similar comprehensive goal for nuclear disarmament, as was done in those treaties, will assist the process.

The nuclear weapon states are resisting the incremental–comprehensive approach because they are not prepared to accept the complete elimination of nuclear weapons, and they see this as the slippery slope to elimination.

The UK, for example, opposed the 1998 UN resolution \textit{Towards a nuclear-weapon-free world: the need for a new agenda}\textsuperscript{95} because it “advocates measures which we on the national basis … concluded … would be at the present time inconsistent with the maintenance of a credible minimum nuclear deterrence”\textsuperscript{96}.

It would probably be more accurate to describe the incremental–comprehensive approach as a path rather than a slippery slope. Once we are on the path, reaching the destination is easier than if we had not begun the journey, but there would still be checks and resting points along the way if confidence and security were not sufficiently developed to advance to the next step. For example, the Model NWC proposes a series of phases for reducing the numbers of nuclear weapons. Before commencing a phase of reductions, states would have the opportunity to affirm their confidence that other states have implemented their obligations under the previous phase.

Stansfield Turner has noted that the most difficult step may be proceeding from a few nuclear weapons to zero. He thus proposes a resting point prior to complete elimination that would provide a “virtual zero”. This could be done by placing all remaining nuclear weapons under a system of “strategic escrow”, which would “lock up” the weapons but make them available if necessary in an emergency and with permission from an international controlling agency\textsuperscript{97}.

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The very fact that initial steps on the path had been taken would increase confidence to take the next step. For example, the de-alerting of nuclear weapons, with appropriate verification, is one of the suggested early steps in this approach. This measure would increase confidence on all sides that they would not be subject to a surprise attack, or...
to accidental or inadvertent launch of nuclear weapons. It would enable a move away from launch-on-warning posture, as states would have advance warning of any moves to re-alert an opposing force’s weapons before they could be launched.

At the outset, states may prefer not to remove warheads from the delivery vehicles until they have confidence in the verification systems developed through the de-alerting process. Once such confidence has been achieved, it would be much easier to adopt the next disarmament measure.

In addition, an incremental–comprehensive approach would include threshold states98 and nuclear capable states99 as participants in the negotiating process, thus reducing or eliminating the continuing risk of nuclear proliferation, which has been a key rationale used by the nuclear weapon states to hold onto their nuclear weapons.100

Where Does the Nuclear Weapons Convention Fit?

The NWC fits into either a comprehensive approach or an incremental–comprehensive approach. It provides a conceptual package for the complete elimination of nuclear weapons, taking into consideration each of the following:

- the security concerns that would need to be the subject of negotiations;
- the technical difficulties in verifying the elimination of nuclear weapons and the safe disposal of weapons materials; and
- the legal mechanisms that would need to be established to implement the process with fairness and enforcement capacity.

In addition, it is framed in order to encourage and encompass incremental measures that could be adopted on the way to negotiating a complete convention.

Process for Negotiation

There are various perspectives on which negotiating forum can best achieve nuclear disarmament. The Non-Aligned Movement has called for the Conference on Disarmament “to establish, as the highest priority, an ad hoc committee to start negotiations on a phased program for the complete elimination of nuclear weapons.”101 The 2000 NPT Review Conference identified the necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament.102

The US, on the other hand, holds that “bilateral efforts which have already produced concrete results in the area of nuclear disarmament remain, for the time being, the only realistic approach to arms control”.103 For this reason, the US opposes any negotiations, or even discussions on negotiations, in the Conference on Disarmament.

Negotiations leading to the conclusion of an NWC would most likely require packages of negotiations in different forums. Ultimately, the conclusion of negotiations on an NWC will need to be folded into one specific multilateral forum. Most likely that will be either the Conference on Disarmament or a special negotiating conference. Work in other forums will be necessary, however, if there is to be progress towards the final goal.

Bilateral Negotiations

The US and Russia continue to hold 95% of the world’s nuclear weapons – 26,000 of the 27,000 global total (and more than 90% of the 12,000 deployed nuclear weapons).104 Moreover, they maintain stockpiles of nuclear weapons at functionally close to Cold War levels – much larger arsenals than are needed to strike all significant
military targets, as well as every moderate to large city in the world. Many targets are targeted with multiple warheads. Other nuclear weapon states have indicated that they will not join plurilateral negotiations on reductions until the stockpiles of the US and Russia are brought down to levels comparable with their own. The most appropriate way for US and Russian stockpiles to be further reduced is through bilateral negotiations.

General Lee Butler has observed that numbers are not the key question—policy is. In this case, policy issues include forward deployment, level of authorisation required to launch nuclear weapons, alert status of nuclear weapons, first use, potential and thresholds for use, use against other weapons of mass destruction and non-WMD threats, security assurances, commitment to abolition, transparency, and nuclear weapons research and development. Plurilateral negotiations (amongst Nuclear Weapon States or nuclear-weapons-possessing states) and multilateral negotiations, particularly regarding policy aspects of nuclear disarmament, should therefore be held concurrently with bilateral negotiations and should not be held hostage to any difficulties in bilateral processes.

Number reductions, however, are not the only accomplishment in bilateral processes. In negotiating and implementing bilateral treaties, the US and Russia have also established comprehensive missile and warhead destruction processes, verification regimes, and confidence-building measures. Some of these elements can be usefully included in plurilateral and multilateral procedures yet to be negotiated. Transferring some of them into a multilateral context, however, may be difficult or inappropriate. Certain information that neither state would want to be made available to other states is shared confidentially. Certain technical information could, for example, be useful to a threshold state wishing to advance its nuclear program. Thus, there could be a need for additional bilateral agreements on specific sensitive areas to be negotiated in conjunction with plurilateral and multilateral agreements.

Plurilateral Negotiations

Different suggestions have been made for how negotiations could occur among some or all of the nuclear weapon states recognized under the NPT (the US, Russia, UK, France, and China) and those states that remain outside the treaty with nuclear weapons (India, Pakistan, Israel and North Korea). The Washington Council on Non-Proliferation has suggested five-power or five-power-plus-one negotiations to implement the NPT Article VI obligations for nuclear disarmament. The proposal envisions negotiations among the five NPT nuclear weapons states (China, France, Russia, the UK and the US) with the possibility of including a non-nuclear state. In 1998, then Prime Minister Nawaz Sharif of Pakistan proposed negotiations among China, India, Pakistan, Russia and the US; India proposed negotiations among the then eight nuclear weapon possessing states. In 2000, Russia offered to start negotiations with the US to go down to 1,000 weapons on each side. Plurilateral negotiations on certain aspects of nuclear disarmament may be useful. Experience with bilateral negotiations indicates that progress can be made relatively quickly on reductions of stockpiles, on verification and on confidence building when negotiations and implementing mechanisms are kept to a small number of parties. Some security issues regarding nuclear disarmament, particularly in regional contexts, could also be handled more efficiently in negotiations among a small number of parties.

Plurilateral negotiations, however, should take place concurrently with multilateral negotiations. Nuclear-capable states need to be incorporated in the negotiating process in order to ensure that verification and compliance considerations that relate to them are developed with their agreement and participation. Mechanisms and procedures developed bilaterally and plurilaterally will need to be consistent with obligations and approaches developed multilaterally.
Non-nuclear-capable states also have an interest in being involved in the negotiations. Nuclear weapons threaten all states and all people. Therefore, all states and all people have an interest in and, indeed a responsibility for participating in developing a regime for their elimination. As with the CTBT, some non-nuclear-capable states also have expertise and technical facilities useful for the development of implementation procedures and systems. Some non-nuclear-capable states also have experience, skills, resources and creative ideas, communication channels and influence that can make them valuable partners in negotiations, especially in overcoming deadlocks.

Conference on Disarmament

The Conference on Disarmament (CD) was established as the primary multilateral negotiating forum for disarmament. Along with its predecessor (the Eighteen-Nation Disarmament Committee), it was the negotiating forum for the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, the Chemical Weapons Convention and the Comprehensive Test Ban Treaty.

The CD, however, has some drawbacks:

- all its decisions are taken by consensus, meaning that any member state could prevent the beginning of negotiations or their successful conclusion;
- membership is limited to the current 65 members, although some countries that are not members have expressed an interest in participating fully in such negotiations.

The first drawback would also apply to some degree to other negotiating forums, since it is unlikely that any of the nuclear weapon states will begin negotiations without the involvement of all of the nuclear weapon states. Once all five nuclear weapon states agree to begin negotiations, the other members most likely will also agree. The second drawback may be overcome to some degree if provision is made for non-members to attend sessions as observers and to make their views known unofficially; and/or if membership can be expanded.

Non-Proliferation Treaty as a Negotiating Opportunity?

The parties to an existing treaty could negotiate a protocol, an amendment or even a new treaty in order to further the aims and objectives of the current treaty. The Philippines, for example, suggested in 1996 that the parties to the Non-Proliferation Treaty convene a conference for the purpose of negotiating an NWC as a means to implement Article VI of the NPT. The Marshall Islands in 1997 proposed that the 2000 NPT Review Conference establish an inter-sessional working group to assist in negotiations on an NWC. If such a group were established, considerable preparatory work for an NWC could commence even before the nuclear weapons states agree to enter into negotiations.

Malaysia and Costa Rica submitted working papers to the 2000 and 2005 NPT Review Conferences calling on States Party to the NPT to "agree to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and invite those States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to join in such negotiations." Another proposal is that the parties to the NPT call a special conference to amend the NPT.

The amendment, in the form of a negotiated protocol to the treaty, would prohibit nuclear weapons and provide for their elimination. While obtaining agreement from the nuclear weapon states on such a protocol could be difficult, the NPT requires a conference to be held to discuss the proposal if one-third of the parties to the treaty
request such a conference. A similar approach was taken in 1991 when one-third of the parties to the Partial Test Ban Treaty requested a conference at which they proposed amending the PTBT to make it a Comprehensive Test Ban Treaty. While the nuclear weapon states did not agree to the amendment, the process did help achieve a negotiating mandate for a CTBT in the Conference on Disarmament.

International Conference

Another possible avenue to negotiations leading to an NWC would be the establishment of an ongoing international conference especially for this purpose. The Law of the Sea, for example, was negotiated through the establishment, by the UN General Assembly, of the Law of the Sea Conferences. The establishment of a special negotiating body allows for the creation of an appropriate negotiating forum. The Law of the Sea Conferences used a combination of formal and informal structures, including a number of working groups, which suited the large number of issues to be negotiated.

In 1998, the UN General Assembly called for “the convening of an international conference on nuclear disarmament at an early date with the objective of arriving at an agreement on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a specified framework of time through a nuclear weapons convention”. 115

Establishing an international conference to negotiate an NWC would have a distinct advantage: this would leave the CD free to continue its work on other disarmament issues, such as prevention of an arms race in outer space and transparency in armaments. The CD would also be able to conclude agreements on certain steps towards nuclear disarmament on which it is already working, such as the Fissile Material Cut-Off Treaty.

Then-UN Secretary-General Kofi Annan called for an international conference at the 2000 NPT Review conference and again in his report to the Millennium Summit. In their initial resolution voted on 4 December 1998, the New Agenda Coalition also called for an international conference. In its 59th recommendation, the WMD Commission also called for the United Nations General Assembly to convene a World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction, to meet after thorough preparations. This World Summit should also discuss and decide on reforms to improve the efficiency and effectiveness of the UN disarmament machinery.

United Nations Subcommittees on nuclear disarmament

In 2005, a group of States including Brazil, Canada, Kenya, Mexico, New Zealand and Sweden floated a proposal for the UN General Assembly to establish sub-committees to commence work on four disarmament items – negative security assurances, a fissile materials treaty, nuclear disarmament and prevention of an arms race in outer space. 116

This proposal was similar to the idea of a UN negotiating conference, with the difference that it envisaged that the subcommittees would merely commence work that would be concluded by the Conference on Disarmament. The rationale for the proposal was that the commencement of such work should not be delayed by the consensus procedures of the CD – procedures that have allowed one or two States to prevent any substantial progress in the CD on nuclear disarmament items since negotiations on the CTBT were concluded in 1996.

If such committees were established they would provide an opportunity to commence deliberations and negotiations on an NWC even if not all NWS would be ready to participate.
Ottawa-style process

In the early 1990s, efforts were underway to negotiate an additional protocol to the Inhumane Weapons Convention, which would restrict or prohibit anti-personnel landmines. When it became clear at the 1996 IWC Review Conference that a prohibition on anti-personnel landmines could not be achieved due to opposition by a few key States, an alternative approach was announced by Canada’s Foreign Minister Lloyd Axworthy which became known as the Ottawa process. Axworthy invited all interested States to Ottawa to negotiate and adopt a treaty prohibiting anti-personnel landmines. The negotiations concluded with adoption of the treaty in 1997 and it entered into force following the 40th ratification in 1998.

While the Mine Ban Treaty has not been ratified by all States, it has been instrumental in strengthening the global norm against landmines and generating sufficient political will to move some States which previously employed landmines to relinquish them, and others to announce that they intend to do so in due course.

The situation with nuclear weapons is not the same as with landmines. While both weapons are indiscriminate, inhumane and arguably illegal, their nature, effects, military and political utility differ enormously, as does the current situation with regard to constraint regimes. In the case of nuclear weapons, the world already has an Ottawa-style treaty, i.e. one in which those countries prepared to abandon the weapons have joined: it is the NPT. What is required with nuclear weapons is to go beyond an Ottawa-style treaty and develop a process to involve all States including NWS and non-Parties to the NPT.

Despite these differences, there is considerable merit in the concept of an independent deliberating and negotiating conference on nuclear abolition in which all States are invited to join, and which can begin work on nuclear abolition measures even if not all the NWS currently participate or agree. Like the Ottawa process, such an ongoing conference would generate considerable media coverage and political pressure on NWS and non-NPT States to abandon nuclear deterrence and war-fighting and embrace abolition.

The deliberations could provide a useful forum for developing plans and procedures required for the abolition of nuclear weapons, including consideration of such key issues as security assurances, compliance measures, verification, disposition of fissile material, transparency versus commercial and State confidentiality, development of individual rights (whistleblower protection) and responsibilities (including scientific responsibilities and criminal law).

Such deliberations could also lead to the adoption and implementation of measures that could assist abolition even prior to the beginning of abolition negotiations by the NWS. This could include, for example, establishment of verification systems and adoption of national abolition measures including more robust criminal law and prohibition of transit of nuclear weapons and fissile materials through areas within national jurisdiction, including airspace and territorial waters.

There are a number of possible candidates to initiate or lead an Ottawa-style process including a NWS, a non-Party to the NPT, a State that has relinquished nuclear weapons, a group of States that have abandoned nuclear weapons (such as within NWFZs) or a State or States that have particular political significance in relation to nuclear disarmament (such as Japan or the New Agenda Coalition).

i) Nuclear Weapon State

A process led by a NWS would be very influential on the other NWS. The most obvious candidate from amongst the NWS would be the United Kingdom which has acknowledged that a Nuclear Weapons Convention will be required at some stage in the future, has reduced the operational readiness of its nuclear weapons, and has begun work on verification of its nuclear weapons as would be required once negotiations
begin. The UK, however, has indicated its unwillingness to take any further disarmament steps until the numbers of weapons held by the US and Russia are down to the hundreds rather than the thousands. UK government plans to renew its Trident nuclear arsenal, supported by the House of Commons on 14 Mar 2007, may preclude the UK taking a lead on nuclear disarmament unless this position is overturned. China has indicated support for negotiations on a nuclear weapons convention, but has been unwilling to take any practical steps that would advance this.

ii) State non-Party to the NPT

The NWS and some of their allies might be dismissive of a process led by a State non-Party to the NPT, as they might see it as an attempt by that State to gain an international platform to criticize the NWS but take no responsibility for its own nuclear policies. Thus, if a non-Party to the NPT led this process, it would need to commit itself to some nuclear disarmament steps from the outset in order to build credibility.

The most likely candidate would be India, which advanced the Rajiv Gandhi plan for nuclear abolition under a previous Congress-led government. The current Congress-led government has indicated an interest in reviving and updating the Rajiv Gandhi plan and on seeking opportunities to make progress.120

iii) State which has relinquished nuclear weapons or a nuclear weapons development program

Candidates here would include Argentina, Belarus, Brazil, Kazakhstan, Libya, South Africa and the Ukraine. Each State has nuclear disarmament credibility having willing relinquished nuclear weapons or nuclear weapons programmes. Argentina and Brazil possibly have more experience than the others in verification of nuclear disarmament agreements as a result of the measures developed under the Agreement for the Exclusively Peaceful Use of Nuclear Energy Argentina and Brazil, 1991. If they worked collectively these States would generate considerable interest and political impetus.

iv) Nuclear Weapon Free Zone States Parties

The regional NWFZs have started inter-zone communication and collaboration in order to strengthen the existing NWFZs, encourage establishment of additional zones and contribute to the achievement of a nuclear weapons-free world. This includes a process led by Brazil and New Zealand to consolidate a Southern Hemisphere and Adjacent Areas NWFZ, and the first meeting of States Parties to NWFZs hosted by Mexico in 2005.

A nuclear abolition process led by the NWFZ State Parties, now numbering 113, would have the political weight of the numbers of States sponsoring the process, the moral credibility of having forsworn nuclear weapons and an already established connection with the NWS (as signatories to the NWFZ protocols).

v) Japan

Mayors for Peace has proposed a “Hiroshima process” to make progress towards nuclear abolition. They envisage States being invited to Hiroshima to begin deliberations and negotiations for nuclear abolition. A problem with this proposal is that without the support of the Japanese government, other States may be reluctant to see this as a State-State negotiating process. On the other hand the initiative is worth considering given the surprisingly strong development of the Mayors for Peace abolition campaign, which in three years has recruited more than 1500 mayors from cities around the world including the capitals of NWS, and thus their potential to generate political will.

vi) New Agenda Coalition

The New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden) has been very effective in advancing a nuclear disarmament
program in such a way as to engage all NPT members including NATO members and the NWS. The success of the 2000 NPT Review Conference is due in large part to the New Agenda Coalition and their skilful diplomatic approach. An independent abolition process led by the NAC would thus hold diplomatic credibility. On the other hand, the NAC as currently functioning may not be able to muster sufficient influence with the NWS or States not Parties to the NPT to generate sufficient political will to move the NWS and non-NPT States to join the process. If the NAC elevated itself to Heads of State level, such as was done by the Six Nation Initiative in the 1980s, backed up with a concerted diplomatic effort, it might be able to generate sufficient political clout to generate real traction.

Participation of Civil Society

As noted earlier, the elimination of nuclear weapons will require participation not just by governments, but also by various sectors of civil society. Scientists, engineers, technicians and corporations working in the nuclear field are the most obvious participants, given their technical expertise and the responsibility they will have to ensure that no work in other nuclear-related fields is diverted into nuclear weapons work. Beyond that, individuals and organizations involved in education, public policy, law, health, human rights, environmental stewardship, social justice, ethics, religion and other fields must be included to ensure that a nuclear-weapon-free regime is widely accepted and promoted. The general norm against nuclear weapons will need to be inculcated at all levels of society in order to make any breakout by states or non-state actors unthinkable and unsupported. Individuals will have a responsibility under an NWC to refuse to participate in activities that would support nuclear weapons, and to report any such activities that come to their attention. Thus, wide awareness and understanding of the NWC throughout global society will be important.

Negotiations for the Mine Ban Treaty and the International Criminal Court included substantial input from non-government organizations (NGOs). Negotiations for an NWC, likewise, should include wide involvement of the constituents of civil society, not only through governments, but also through interested and experienced NGOs.

Political Will

Currently the leaders of the nuclear weapon states do not have the political will to abolish nuclear weapons and are influenced by strong political forces not to develop such will. Barring a massive nuclear catastrophe, or the emergence of new and visionary global leaders, only the combined efforts of citizens and supportive non-nuclear governments are likely to persuade them to move.

The concept of an NWC can be an important tool in these efforts, exploring many concerns that are sure to arise as the nuclear weapon states consider moving away from a security policy that they know and with which they have lived for decades, albeit very dangerous and with many undesired consequences.

The NWC approach also provides a way to ease or reverse the opposition of nuclear weapons scientists, engineers, and corporations to nuclear disarmament. Considerable scientific and engineering expertise and corporate involvement will be necessary for the destruction of nuclear weapons and for the verification of the nuclear-weapon-free...
Progress on nuclear abolition requires political, legal and technical developments. These are interrelated, and improvement in one area can stimulate improvement in the others. Rather than waiting for progress on one of these fronts before working on the others, therefore, we can improve the chances for overall progress by enabling efforts towards complete nuclear disarmament in any and every relevant sector. To reiterate, the crucial ingredient currently lacking is political will. But it is also clear that, in the words of former US Vice-President Al Gore, political will is a renewable resource. Political will and visionary leadership have never been more urgently needed on an issue of greater moment to our collective future on planet Earth.

**Endnotes to Section 1**


2 UN General Assembly Resolution 1 (1) Establishment of a Commission to Deal with the Problems Raised by the Discovery of Nuclear Energy, adopted 24 January 1946.


8 The Mayors for Peace is designed to build solidarity and facilitate coordination among the cities that support the Program to Promote the Solidarity of Cities toward the Total Abolition of Nuclear Weapons. Its primary goal is to work internationally to raise consciousness regarding nuclear weapons abolition. It is also formally committed to pursuing lasting world peace by working to address starvation, poverty, refugee welfare, human rights abuses, environmental destruction, and other problems that threaten peaceful coexistence.

http://www.mayorsforpeace.org/english/index.html


11 NPT Principles and Objectives. See Final Document of the 1995 Review and Extension Conference, Decision 2, paragraph 4: ‘The achievement of the following measures is important in the full realization and effective implementation of Article VI, including the program of action as reflected below:…(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear Test Ban Treaty no later than 1996…’


16 See for example:

- Laying the Foundations for Getting to Zero: Verifying the Transition to Low Levels of Nuclear Weapons, Patricia Lewis, VERTIC, September 1998

- Verifying the Transition from Low Levels of Nuclear Weapons to a Nuclear Weapon-Free World, Tom Milne and Henrietta Wilson, VERTIC, June 1999

- Virtual Nuclear Capabilities and Deterrence in a World Without Nuclear Weapons, George Paloczi-Horvath, VERTIC, October 1998


- Gaining Confidence in Nuclear Disarmament Steps: Final Report from Second meeting of Article VI Forum, 
  http://www.middlepowers.org/mopi/archives/000319.shtml#000319
14 See for example:
- INESAP Bulletin Issue No. 25, April 2005, Transformation of the Nuclear Control Regime From the NPT to Nuclear Abolition,  
  http://www.inesap.org/bulletin25/index.htm
- INESAP Bulletin Issue No. 14, November 1997, Searching For The Bomb: Nuclear Disarmament Verification  
  http://www.inesap.org/bulletin14/bulletin14.htm
16 According to a 15 May 2003 press release from the Korean Committee for Solidarity with World Peoples, a 
  mouthpiece for the North Korean government:
  “The Iraqi war taught the lesson that “nuclear suspicion,” “suspected development of weapons of mass destruction” and 
  suspected “sponsorship of terrorism” touted by the U.S. were all aimed to find a pretext for war and one would fall 
  victim to a war when one meekly responds to the IAEA’s inspection for disarmament. Neither strong international public opinion 
  nor big country’s opposition to war nor the UN charter could prevent the U.S. from launching the Iraqi war. It is a serious 
  lesson the world has drawn from the Iraqi war that a war can be averted and the sovereignty of the country and 
  the security of the nation can be protected only when a country has a physical deterrent force, a strong military 
  deterrent force capable of decisively repelling any attack to be made by any types of sophisticated weapons.”
17 See Dr. Khan’s Nuclear WallMart, Christopher Clary, Disarmament Diplomacy, Issue No. 76, March/April 2004,  
  http://www.acronym.org.uk/dd/dd76/76cc.htm
18 1000 MT (BAS Jan/Feb 07 p34) divided by 15 Kt (0.015 MT) = 330,000
19 Jacques Chirac, 19 January 2006, “The leaders of states who would use terrorist means against us, as well as those 
  who would envision using . . . weapons of mass destruction, must understand that they would lay themselves open to a 
  firm and fitting response on our part,” Chirac said during a visit to a nuclear submarine base in Brittany. “This response 
  could be a conventional one. It could also be of a different kind.”
20 Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion of the International Court of Justice (ICJ), 
  declarations and opinions of judges are available on the website of IALANA: www.ddh.nl/ialana/opiniontable.html.
22 A Nuclear Crisis, Jimmy Carter, Washington Post, 23 FEBRUARY 2000
23 Abolition of Nuclear Weapons, GENERAL LEE BUTLER”, 4 DECEMBER 1996 NATIONAL PRESS CLUB, 
  WASHINGTON, DC
24 George P. Shultz, Henry A. Kissinger, William J. Perry, Sam Nunn. A world free of nuclear weapons. Wall Street 
  Journal. 4 Jan 2007, pA15.
27 Canberra Commission, op. cit., note 3.
28 Melman Group poll, “Public Attitudes on Nuclear Weapons,” commissioned by the Stimson Center, interviews Sept. 
29 ICJ Advisory Opinion, Declaration of President Bedjaoui, op. cit., note 7.
  1990; 247:166-76.
32 Toon OB, Turco RP, Robock A, Bardeen C, Oman L, Stenchikov GL. Consequences of regional scale nuclear 
33 Robock A, Oman L, Stenchikov GL, Toon OB, Bardeen C, Turco RP. Climate consequences of regional nuclear 
34 See www.abolition2000.org
35 UNGA Res. 51/45 M, December 10, 1996. UNGA Res. 52/77 W, December 9, 1997. UNGA Res. 53/77 X adopted on 
36 Toon OB, Turco RP, Robock A, Bardeen C, Oman L, Stenchikov GL. Consequences of regional scale nuclear 
37 Robock A, Oman L, Stenchikov GL, Toon OB, Bardeen C, Turco RP. Climate consequences of regional nuclear 
38 See www.abolition2000.org
  4, 1998 (See Documents section for copies of the most recent resolution).
40 UNGA Resolution 52/38 L adopted on December 9, 1997; UNGA-Resolution 52/39 C, adopted on December 9, 1997; 
41 Members of the Commission included Michel Rocard (former Prime Minister of France), General Lee Butler (former 
  Head of US Strategic Command) and Robert MacNamara (former US Secretary of Defense).
42 Canberra Commission on the Elimination of Nuclear Weapons, Final Report Part 2, 
43 A Nuclear-Warhead-Free World: The Need for a New Agenda, Joint Declaration by the Ministers for Foreign 
  Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, June 9, 1998.
44 H.Res 479, 105th Congress, 2d Session, June 18, 1998, H.Res.82, 106th Congress, 1st Session, February 24, 
  1999.
45 Resolution to the 109th Congress calling for nuclear abolition, 
46 H. R. 2545 Nuclear Disarmament and Economic Conversion Act of 1999
47 Towards a Nuclear-Weapon-Free World: The Need for a New Agenda”, joint declaration of the foreign ministers 
  of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, June 9, 1998.
49 Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, May 
  2002.
50 Weapons of Terror, p. 109
51 Statement by John Holum, Acting Undersecretary of State and Director of the US Arms Control and Disarmament 
  Agency, UN First Committee, October 14, 1998
52 UNGA Res. 50/70 P. 12 December 1995.
... Other treaties, including the treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok, (establishing nuclear-weapon-free zones in Latin America, South Pacific, Africa and Southeast Asia, respectively), the Non-Proliferation Treaty and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, act to stop the proliferation of nuclear weapons rather than to implement disarmament of existing stockpiles.

63 Weapons of terror, p 93.
65 An FMCT will nevertheless still be a useful treaty to achieve as it could well develop procedures and accumulate information which will be useful once the nuclear weapon states agree to a path of verified disarmament. Complete monitoring of civilian fissile material production and of stockpiles of fissile material will be necessary to develop confidence in compliance with a nuclear abolition regime (See Section 4, Verification).
66 The Indian government was one of the first to call for a CTBT and had been a strong supporter of it up until the final stages of the negotiations in the Conference on Disarmament in Geneva. India proposed language in the CTBT linking it with a commitment for nuclear disarmament within a time bound framework. Rather than addressing this proposal in the negotiations, a draft text of the CTBT, which had not been agreed by all delegations at the CD, was presented to the United Nations General Assembly and forced through with a vote. India and Pakistan opposed the resolution. A press statement released by the Indian government on 15 May 1998, following their nuclear tests noted that “it is because of the continuing threat posed to India by the deployment of nuclear weapons... that we have been forced to carry out these tests.”
69 French President Jacques Chirac highlighted this when he announced a resumption of French testing in 1995 in order to “perfect computer simulation techniques that would end the need for further (physical) testing”. NY Times, 6 Sept. 1995.
70 The Weapons of Mass Destruction Commission in Weapons of Terror, cite SIPRI and the Federation of American Scientists data and calculate 27,000 nuclear warheads.
71 The US Doctrine for Joint Theater Nuclear Operations of 1996, for example, holds that nuclear “operations must be planned and executed to destroy or eliminate enemy WMD (weapons of mass destruction) delivery systems and supporting infrastructure before they can strike friendly forces.”
72 Sir Nicholas Lyell, UK Attorney General, Statement to the International Court of Justice, November 15, 1995.
78 Statement by Arundhati Ghose, Ambassador of India to the UN in Geneva, to the Conference on Disarmament, February 15, 1996.
79 Of the states possessing nuclear weapons, only China, India Pakistan and North Korea support comprehensive disarmament. All four have called for negotiations on a nuclear weapons convention.
80 See Snaring the Sun: Opportunities to prevent nuclear weapons proliferation and advance nuclear disarmament through an abolition framework, Alyn Ware, Dr Kate Dewes and H.E. Michael, Western States Legal Foundation and Security Centre, February 2005. http://www.disarmsecure.org/publications/papers/snaringthesun.html
87 Fifteen years ago we concurred with Pope John Paul II in acknowledging that, given the context of that time, possession of these weapons as a deterrent against the use of nuclear weapons by others could be morally acceptable, but acceptable only as an interim measure and only if deterrence were combined with clear steps toward progressive disarmament... In 1998 the global context is significantly different from what it was a few years ago... We raise up our voices with those around the world in calling for an end to the reliance on nuclear deterrence and instead call upon the United States and the other nuclear weapons states to enter into a process leading to the complete elimination of these morally offensive weapons.”
98 India and Pakistan are resistant to joining the Non-Proliferation Treaty and the Comprehensive Test Ban Treaty, and to negotiating a Fissile Material Cut-off Treaty. However both states indicated that they would have supported the CTBT and would support FMCT if they were linked to a program for complete nuclear disarmament.

99 All nuclear weapon capable states, ie those with nuclear reactors, are members of the Conference on Disarmament, which would most likely be the negotiating body for the major multilateral elements of a program for nuclear disarmament.

100 The US Defense Department’s 1994 Annual Report, for example, noted that “...US nuclear weapons and nuclear posture can play a role in deterring the acquisition of nuclear weapons by other nations.”


104 Weapons of Terror, p36.

105 General Lee Butler, public meeting, 3 March 1999, Ottawa, Canada.

106 Those States which had tested nuclear weapons as at Jan 1 1970. This includes China, France, Russia, the United Kingdom and the United States

107 This currently includes NWS as well as India, Israel, Pakistan and North Korea.

108 Including the ABM, START, INF and Moscow treaties, the Hot Line and Nuclear Accidents Agreements, and the Agreement on Notifications of Launches of Intercontinental Ballistic Missiles and Submarine Launched Missiles.


110 In November 2000, President Putin of Russia made a statement proposing that the next round of negotiations between Russia and the US in the Strategic Arms Reduction or START series of treaties, entail much deeper reductions, down to a level of 1,000 to 1,500 warheads for each side. See Patrick E. Tyler, ‘Eying U.S. Missile Defense, Russia Wants Less Offense/ New York Times 15 November 2000, http://www.nytimes.com/2000/11/15/world/15RUSS.html?ex=116906400&en=424982f4f8ff7a&sl=0


114 Diplomatic Judo: Using the NPT to make the nuclear weapons states negotiate the abolition of nuclear weapons”, Zia Mian and M.V.Ramana, Center for Energy and Environmental Studies, Princeton University, October 1998.


116 “Initiating work on priority disarmament and non-proliferation issues” Draft elements of an UNGA60 First Committee Resolution. Brazil, Canada, Kenya, Mexico, New Zealand and Sweden, http://www.reachingcriticalwill.org/political/1com/1com60/docs/strafelements/initiating.pdf

117 Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (1981).


119 For more on the potential of an Ottawa Style process for negotiating an NWC and additional support measures, see Snaring the Sun: Opportunities to prevent nuclear weapons proliferation and advance nuclear disarmament through an abolition framework, Allyn Ware, Dr Kate Dewes and H.E. Michael Powles, Disarmament and Security Centre, February 2005. http://www.disarmsecurity.org/publications/papers/snaringthesun.html
