



Non-Proliferation Treaty Review Conference 2010

10 Arguments for a Nuclear Weapons Convention

1. The Minimalist Approach to Nuclear Disarmament Has Proven Inadequate

It is time to move beyond nuclear arms control, and begin a process for nuclear abolition. For the last four decades, the Non-Proliferation Treaty has helped to prevent the uncontrolled spread of nuclear weapons, but governments will need to negotiate a complementary legal framework in order to achieve global zero. The continuing threat of nuclear proliferation is closely linked to the failure of the nuclear-weapon States to live up to their obligation under Article VI of the NPT to achieve nuclear disarmament. A Nuclear Weapons Convention would build on the NPT by establishing the mechanisms needed to bring about the complete elimination of nuclear weapons under strict and effective international control.

2. A Nuclear Weapons Convention Would Help to Implement Article VI the NPT

Article VI of the NPT requires States parties to pursue negotiations in good faith for nuclear disarmament. The negotiation of a Nuclear Weapons Convention is the most obvious and realistic way for States to fulfil this obligation. A convention would strengthen the NPT in the same way that treaties such as the Comprehensive Test Ban Treaty and US–Russian bilateral arms reduction treaties have also strengthened it. It would be an enabler, not a diversion, in the quest to implement the NPT. If the NPT is to be regarded as the cornerstone of the nuclear non-proliferation regime, then a Nuclear Weapons Convention would be the capstone that allows the full realization of the NPT’s core promise: a nuclear-weapon-free world.

3. There Is Overwhelming Support for a Nuclear Weapons Convention

In 2009, 124 states voted in favour of a United Nations General Assembly resolution calling for the immediate commencement of negotiations leading to a Nuclear Weapons Convention. The UN Secretary-General has included the consideration of a convention or a framework of agreements as the first point in his five-point disarmament action plan. Most civil society organizations working on nuclear disarmament have adopted the convention as one of their primary objectives, and opinion polls in 21 countries show that, on average, 76% of people globally support the abolition of nuclear weapons through a comprehensive, verifiable treaty.

4. There Is a Legal Obligation to Negotiate a Nuclear Weapons Convention

In 1996, the International Court of Justice affirmed that all states, including those outside the NPT, have a legal obligation to pursue negotiations for nuclear disarmament and to *achieve* the complete elimination of nuclear weapons. Like any legal obligation, it must be fulfilled within a reasonable time, and cannot be postponed indefinitely. Moreover, the Court held that nuclear disarmament must occur under strict and effective international control, and it de-linked the Article VI nuclear disarmament obligation from the objective of comprehensive demilitarization, meaning that achievement of the former need not await the latter.

5. A Convention Would Bridge the Disarmament–Non-Proliferation Divide

In recent years, debate in multilateral forums on nuclear weapons issues have been characterized by a divide between those states which advocate strongly for measures to prevent the further proliferation of nuclear weapons, and those which call for concrete action on nuclear disarmament. The result has been what former UN Secretary-General Kofi Annan referred to as “mutually assured paralysis”. The process of negotiating a Nuclear Weapons Convention would help to bridge this rift by addressing both non-proliferation and disarmament simultaneously. It does so by adopting an abolition approach.

6. A Convention Would Facilitate the Engagement of States outside the NPT

The general obligations contained in a Nuclear Weapons Convention would apply equally to all parties. In this respect, it would differ from the NPT, which establishes different standards for the five States that tested nuclear weapons before 1967. The convention approach would allow the engagement of the States currently outside the NPT. India, Pakistan and North Korea have all expressed support for a Nuclear Weapons Convention in the UN General Assembly. The common approach of calling for the immediate accession of these States to the NPT as non-nuclear-weapon States is far less likely to result in their actual engagement.

7. A Convention Is Compatible with the Advancement of Intermediate Steps

The pursuit of a Nuclear Weapons Convention would be consistent with the continued promotion of intermediate steps for nuclear disarmament, such as the entry into force of the Comprehensive Test Ban Treaty, the negotiation of a fissile materials treaty, and the conclusion of further bilateral arms reduction treaties between the United States and Russia. A convention would complement these goals, rather than supersede them, as negotiations could take place simultaneously. In other words, the attainment of intermediate steps should not be seen as a precondition for the commencement of negotiations on a convention. Nor should States choose to abandon these efforts in favour of a convention approach.

8. A Nuclear Weapons Convention Would Help to Build Trust among Nations

A Nuclear Weapons Convention would promote greater transparency and accountability in the disarmament process by establishing the systems needed to verify the complete elimination of nuclear weapons. An international monitoring system would be put in place to ensure compliance through declarations from States, routine and surprise inspections, on-site sensors, satellite photography, radionuclide sampling and citizen reporting. In addition, a dedicated agency would be responsible for promoting implementation of the convention. Its objectives would include the containment and surveillance of all materials, equipment and facilities that could contribute to the development, production or maintenance of nuclear weapons.

9. Conventions Have Been Negotiated to Outlaw Other Categories of Weapons

Comprehensive treaties have been negotiated to outlaw other entire categories of weapons, from biological and chemical arms to anti-personnel landmines and cluster munitions. Nuclear weapons are the only “weapons of mass destruction” that have not yet been banned, despite the fact that their destructive potential is greater than that of any other weapon. Non-government organizations recognize that the negotiation of a Nuclear Weapons Convention will likely be a very difficult process, and could take a number of years. But a convention is possible, necessary and increasingly urgent. There is nothing to prevent exploratory work from commencing now, with or without the support of the nuclear-weapon States.

10. The Political Climate Is Right to Pursue the Abolition of Nuclear Weapons

In recent years, the leaders from many of the nuclear-armed States — including the United States and Russia, which between them possess 96% of all nuclear weapons — have expressed support for the vision of a nuclear-weapon-free world. However, without a clear roadmap to zero, this “vision” is unlikely to be realized in the foreseeable future, if at all. At the 2010 NPT Review Conference, governments must seize the historic opportunity to advance disarmament by agreeing to begin work on a legally binding, irreversible and verifiable Nuclear Weapons Convention banning and eliminating all nuclear weapons.