

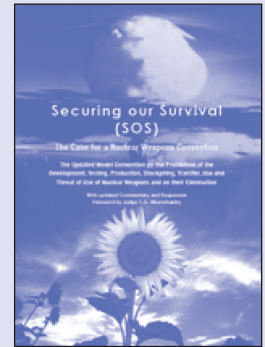


Securing our Survival (SOS)

The Case for a Nuclear Weapons Convention (NWC)

from
International Association of Lawyers Against Nuclear Arms
International Network of Engineers and Scientists Against Proliferation
International Physicians for the Prevention of Nuclear War

This summary gives the key arguments for a NWC presented in the book *Securing Our Survival* (2007); outlines the main provisions and the proposed steps for achieving a Model NWC, and describes the International Campaign to Abolish Nuclear Weapons (ICAN), the goal of which is to mobilise public support for a NWC. SOS can be downloaded at www.icanw.org.



Foreword

Nuclear weapons have given humanity the power to destroy itself. Human survival in the 21st century cannot be assured without their elimination, especially because access to a nuclear weapon is becoming easier year by year, month by month and even day by day.

Why? There are many reasons why the danger of the use of nuclear weapons by someone, somewhere, some time is growing ever closer:

- increasing knowledge of how to construct a bomb
- increasing availability of the materials with which to make a bomb
- increasing numbers of people desperate enough to use the bomb
- lack of inventories of explosive materials
- lack of international resolve to ban the bomb and banish it from the arsenals of the world.

At the 1995 Review and Extension Conference, Parties to the Nuclear Non-Proliferation Treaty (NPT) agreed under Article VI 'to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons'.

The bomb is condemned by more than a dozen basic principles of international law. **Crucially, in July 1996 the International Court of Justice in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons unanimously held that 'there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control'.**

ELIMINATION /SACHIEVABLE

What the Model Nuclear Weapons Convention Offers

Securing our Survival presents a draft model international treaty - or package of agreements – for the phased elimination of nuclear weapons world wide. The NWC cuts through the widely held perception that nuclear disarmament is an impossible dream. It offers a vision of what a nuclear-weapons-free world might look like and provides a way for people to see how nuclear disarmament could actually take place, showing the steps that could practically lead to nuclear weapons being safely eliminated by all parties.

The Model NWC outlined in this book is a revised edition of the Model NWC submitted by Costa Rica to the United Nations Secretary-General as a discussion draft A/C.1/51/7 (1997) and contained in *Security and Survival: The Case for a Nuclear Weapons Convention* (1999).

The book is divided into four sections:

1. Reversing Proliferation: The Case for a Nuclear Weapons Convention *What might such a treaty look like?*

The Model NWC contains detailed provisions for national implementation and verification; establishes an international agency responsible for enforcement and dispute settlement; and indicates procedures for reporting and addressing violations. Comparison is made with the existing treaties banning entire categories of weapons such as the Chemical Weapons Convention, the Biological Weapons Convention and the Mine Ban Treaty.

Who makes a NWC?

Governments are the principal actors but civil society plays an increasingly important role. The experience of many international and inter-governmental bodies will be useful, including the UN General Assembly and Security Council; the International Atomic Energy Authority (IAEA); the Conference on Disarmament; nuclear-weapon-free zone implementation agencies; the Comprehensive Test Ban Treaty Organisation; the International Court of Justice; regional organisations such as the EU. The scientific, medical, legal, and policy expertise of NGOs make them key partners in the process.

When will a NWC be possible?

Once government attitudes change, a NWC could be achieved very quickly. The Partial Test Ban Treaty, for example, was concluded in 10 days of determined negotiation in July 1963 after years of deadlock.

Why choose this method of achieving nuclear disarmament?

Because this route will enable nuclear weapons states to fulfil legal obligations under the NPT to bridge the divide between non-proliferation and disarmament, and it has global support.

How could nuclear disarmament be achieved?

There are three views on how nuclear disarmament can best be achieved: 1) a step-by-step approach; 2) comprehensive negotiations on the complete elimination of nuclear weapons under a time-bound framework; 3) a middle path between the first two, combining elements of each.

Where does the NWC fit in these approaches?

It fits into all three, as it combines a conceptual package for the complete elimination of nuclear weapons with security concerns, technical difficulties in verification, and legal mechanisms.

2. Summary of the Model Nuclear Weapons Convention

General obligations

The NWC prohibits development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals according to a series of phases (see below). The Convention also prohibits the production of weapons usable fissile material and requires delivery vehicles to be destroyed or converted to make them non-nuclear capable.

Declarations

States which are parties to the Convention will be required to declare the location of all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles they possess or control.

Phases for elimination

The Convention outlines five phases for the elimination of nuclear weapons:

- taking nuclear weapons off alert,
- removing weapons from deployment,
- removing nuclear warheads from their delivery vehicles,
- disabling the warheads, removing and disfiguring the “pits” where the weapons are stored and
- placing the fissile material under international control.

In the initial phases the US and Russia are required to make the deepest cuts in their nuclear arsenals.

Verification

Verification will include declarations and reports from states, routine inspections, challenge (surprise) inspections, on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing with other organisations, and citizen reporting. Persons reporting suspected violations of the Convention will be provided protection through the Convention including the right of asylum.

An international monitoring system would be established under the Convention to gather information, which would be available through a registry. Information which may jeopardise commercial secrets or national security would be kept confidential.

National implementation measures

Parties are required to adopt necessary legislative measures to implement their obligations under the Convention to provide for prosecution of persons committing crimes and protection for persons reporting violations of the Convention.

States are also required to establish a national authority to be responsible for national tasks in implementation.

Rights and obligations of persons

The Convention applies rights and obligations to individuals and legal entities as well as States. Individuals have an obligation to report violations of the Convention and the right to protection if they do so. Procedures for the apprehension and fair trial of individuals accused of committing crimes under the treaty are provided.

A new agency

An agency would be established to implement the Convention. It would be responsible for verification, ensuring compliance, and decision making, and would comprise a Conference of States Parties, an Executive Council and a Technical Secretariat.

The NWC Agency, unlike the IAEA, would not have the task of promoting nuclear energy. Its primary objectives include containment and surveillance of all materials, equipment or facilities that could contribute to the development, production, or maintenance of nuclear weapons.

Nuclear material

The Convention prohibits the production of any fissionable or fusionable material which can be used directly to make a nuclear weapon, including plutonium (other than that in spent fuel) and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes.

Cooperation, compliance and dispute settlement

Provisions are included for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. A legal dispute may be referred to the International Court of Justice (ICJ) by mutual consent of States Parties. The Agency also is empowered to request an advisory opinion from the ICJ on a legal dispute.

The Convention provides for a series of graduated responses for non-compliance beginning with consultation and clarification, negotiation, and, if required, sanctions or recourse to the UN General Assembly and Security Council for action.

Relation with other international agreements

The Model NWC does NOT undermine existing nuclear non-proliferation and disarmament regimes, and verification and compliance arrangements. It would complement, enhance and build on the Non-Proliferation Treaty, International Atomic Energy Agency Safeguards, Comprehensive Test Ban Treaty Organisation International Monitoring System and bilateral agreements between Russia and the United States. In some cases the NWC may add to the functions and activities of such regimes and arrangements. In other cases, the NWC would establish additional complementary arrangements.

Financing

Nuclear weapon states are obliged to cover the costs of the elimination of their nuclear arsenals. However, an international fund would be estab-

lished to assist states that may have financial difficulties in meeting their obligations.

Optional protocol concerning energy assistance

The Convention does not prohibit the use of nuclear energy for peaceful purposes. However it includes an optional protocol which would establish a programme of energy assistance for States Parties choosing not to develop nuclear energy or to phase out existing nuclear energy programmes.

3. Comments and Critical Questions

This section addresses issues of enforcement, security, breakout, deterrence, terrorism, health and environment, de-alerting, cleanup, disposition and safe disarmament, nuclear energy, knowledge and reversibility, conversion, research and economic aspects.

4. Verification

This section addresses principles and demands of NWC verification, political mechanisms of verification, means and procedures for verification, elements of verification, security context and challenges of verification.

The commentary and revisions to the Model at the end of the book reflect governmental and non-governmental responses to the 1997 and 1999 versions of the Model treaty.

NWC Launched by International Campaign to Abolish Nuclear Weapons (ICAN) in April 2007

The International Campaign to Abolish Nuclear Weapons (ICAN), a global movement initiated by the Nobel-peace-prize-winning International Physicians for the Prevention of Nuclear War (IPPNW), was launched internationally on the opening day of the 2007 Nuclear Non-Proliferation Treaty (NPT) meeting in Vienna in April 2007. Its role was to draw attention to and promote the Model Nuclear Weapons Convention (NWC) submitted by Costa Rica and Malaysia, and support for a NWC was noted in the Chairman's factual summary of the meeting.

ICAN models itself on previous civil society campaigns that successfully led to treaties to ban landmines and chemical and biological weapons. The International Association of Lawyers against Nuclear Arms (IALANA) and the International Network of Engineers and Scientists Against Proliferation (INESAP) joined International Physicians for the Prevention of Nuclear War (IPPNW) in producing 'Securing our Survival (SOS): The Case for a Nuclear Weapons Convention.'

ICAN is now being promoted by affiliates of IPPNW and other partner organisations across the world with the aim of generating political will for nuclear disarmament through educating and engaging public and policy makers and by highlighting the feasibility of nuclear abolition through the NWC. See: www.ICANw.org.

Why call for a NWC now?

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 NWC prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination’.

Not only do a majority of states want a NWC; opinion polls demonstrate that a majority of citizens – including those of Nuclear Weapon States (NWS) – also overwhelmingly want a nuclear-weapon-free future.

Where is the political will?

Currently the leaders of the NWS do not have the political will to abolish nuclear weapons and are influenced by strong political forces not to develop such will. Only the combined efforts of citizens and supportive non-nuclear governments are likely to persuade them to move.

The concept of a NWC can be an important tool in these efforts, exploring many concerns that are sure to arise as the NWS consider moving away from a security policy that they know and with which they have lived for decades, albeit very dangerously 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 in the long term for the destruction of nuclear weapons and for the verification of the nuclear-weapon-free regime, and for the safeguarding of fissile materials and the means to produce them.

Political will and visionary leadership have never been more urgently needed on an issue of greater moment to our collective future on planet Earth.

Possible role for the UK

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 UK which has

acknowledged that a NWC 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. The UK Government also plans to renew its Trident nuclear arsenal, supported by the House of Commons on 14 March 2007, which may preclude it taking a lead on nuclear disarmament unless this position is overturned. China has indicated support for negotiations on a NWC, but has been unwilling to take any practical steps that would advance this.

The Model NWC was well received by many governments, academics, scientists, civil society leaders and non-governmental organisations (NGOs). Initiatives by some nuclear weapons possessing states, including studies on verification and new restrictions on specific fuel chain elements, reflected ideas raised in the Model NWC.

Former UN Secretary-General Kofi Annan has noted the growing divide between those countries advocating non-proliferation first and those advocating disarmament first. This makes revisiting the idea of a NWC timely as it combines both non-proliferation and disarmament measures.

The drafters of the Model NWC and the authors of this publication hope that by demonstrating the feasibility of nuclear disarmament, governments will be inspired to take on the difficult but necessary and increasingly urgent task of commencing, and bringing to a conclusion, nuclear disarmament negotiations.

Not to do so will condemn the world to an inevitable catastrophe – unimaginable in scale. To do so will be enacting the will of the democratic majority, building a more cooperative and safe world, and indeed Securing our Survival.

Partners of ICAN-UK

Medact – www.medact.org (UK facilitator)

CND – www.cnduk.org

Abolition 2000 – www.abolition2000uk.org

Movement for Abolition of War –
www.abolishwar.org.uk

Women’s International League for Peace and
Freedom – ukwilpf.org.uk

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