

# Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Third session

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### Taking forward nuclear disarmament

#### Working paper submitted by Brazil on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)

##### Fulfilling obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

1. The New Agenda Coalition was established in 1998 to promote substantive progress in the implementation of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, under the principle that the “only complete defence [against a nuclear weapon detonation] is the elimination of nuclear weapons and assurance that they will never be produced again”.
2. According to Article VI, “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, and on a treaty on general and complete disarmament under strict and effective international control.”
3. Article VI establishes not merely an obligation of conduct, but one of results, as “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”.<sup>1</sup> The New Agenda Coalition recalls, in this regard, that the indefinite extension of the Treaty in 1995 does not equate to an authorization for the indefinite possession of nuclear weapons, but rather reconfirms all States parties’ obligations under Article VI.
4. Despite this clear obligation and the unanimous recognition of the devastation that would be cast upon humanity by a nuclear war, progress on nuclear disarmament over the past decades has been unacceptably slow and the implementation of the nuclear disarmament pillar of the Treaty has yet to be achieved.
5. All States parties share an obligation under the Treaty to implement Article VI. Through the consensual outcomes of the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties have,

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<sup>1</sup> *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.



often repeatedly, identified and committed to a range of practical and realistic measures that would serve to advance the fulfilment of Article VI.

6. The resolution on the Middle East, adopted at the 1995 Review and Extension Conference, provided for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. The 2010 Review Conference mandated States parties to the Treaty to convene a conference for the establishment of such a zone; however, efforts to implement this commitment failed in 2012. The 2015 Review Conference failed to reach agreement on an outcome document that would initiate the process to implement the 1995 resolution on the Middle East. The decision to extend the Treaty indefinitely was made possible only through a negotiated package of texts, which included the resolution on the Middle East. The New Agenda Coalition wishes to recall that this resolution remains valid until fully implemented.

7. The New Agenda Coalition recalls that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, as well as with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences. The New Agenda Coalition further recalls the commitment of all States parties, and in particular the nuclear-weapon States, to applying the principles of irreversibility, verifiability and transparency in relation to the implementation of their nuclear disarmament obligations under the Treaty.

8. The New Agenda Coalition believes that accountability can be strengthened through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments. The transparency and measurability of the implementation of Article VI is essential to building confidence in the disarmament process and maintaining the credibility of the regime.

### **Nuclear risk and Humanitarian Consequences**

9. In the light of the increasingly fragile international security environment, raised tensions in bilateral relations and a renewed tide of modernization and qualitative improvement of nuclear arsenals, the likelihood that a conventional conflict may escalate into a nuclear one is again on the rise. The risk of deliberate use of nuclear weapons or of the use of such weapons as a result of misinterpretation, or from non-State actors gaining access to them, is compounded by the risk of accidental or mistaken detonation, and by nuclear weapons being increasingly reliant upon and vulnerable to evolving associated digital network technologies, including cyber and satellite technologies.

10. The New Agenda Coalition recalls that the 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law. Since then, our knowledge of the grave impact that any use of nuclear weapons, accidental or deliberate, would have for humanity and for the planet has greatly increased, including our understanding of the disproportionate impact on women and girls of ionizing radiation and the potentially catastrophic effects on the environment, cultural heritage and the achievement of the 2030 Agenda for Sustainable Development.

11. Beyond the immediate, indiscriminate and large-scale human suffering any detonation would cause – and against which there is no adequate response capacity – lie the broader impacts of the smoke and radiation that would be released by such a detonation. Any use of nuclear weapons would provoke catastrophic and indiscriminate humanitarian harm with long-term consequences that are transboundary and global, and would have a disproportionate impact on women and girls. There is no such thing as a “limited” or “regional” nuclear strike.

12. The increased risk of a nuclear detonation, deliberate or not; the deepened understanding of the humanitarian consequences of nuclear weapons; and the common responsibility to implement Article VI were the primary drivers of the diplomatic process that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons. The New Agenda Coalition reiterates that the Treaty on the Prohibition of Nuclear Weapons constitutes a contribution to the nuclear disarmament and non-proliferation regime and is thoroughly consistent with and contributes to the implementation of the Non-Proliferation Treaty.

### **Global Security Environment and Nuclear Disarmament**

13. The New Agenda Coalition is deeply concerned at the deterioration of the international security environment and of the international framework for disarmament, arms control and non-proliferation. Core agreements of the recent past are being set aside and the outlook for the immediate future is uncertain. Renewed political will and leadership is urgently needed to meet disarmament obligations and commitments. National determination to expand, modernize and qualitatively improve nuclear arsenals, and maintain or increase the role of nuclear weapons in security doctrines, undermines the credibility of the Non-Proliferation Treaty regime and introduces the threat of a new nuclear arms race.

14. These developments, together with the failure to remove nuclear weapons from their high-alert operational status as a means of reducing nuclear tensions and risk, call into question the unequivocal undertaking of nuclear-weapon States to accomplish the total and irreversible elimination of their nuclear arsenals. The New Agenda Coalition reiterates in this regard its view that nuclear weapons ultimately constitute a security risk for all States, including nuclear-weapon States, and that nuclear disarmament is as much a security imperative as it is a humanitarian one.

15. The New Agenda Coalition considers that the current global security situation does not preclude, but rather reinforces, the need for urgent action on nuclear disarmament. The implementation of existing nuclear disarmament obligations and commitments will contribute to improving the global environment, under the principle of increased and undiminished security for all.

### **Way Ahead and recommendations to the 2020 Review Conference**

16. As per the Final Document of the 1995 Review and Extension Conference, the purpose of Review Conferences is to “evaluate the results of the period they are reviewing, ... and identify the areas in which, and the means through which, further progress should be sought in the future”. In this context, the New Agenda Coalition calls on all States parties to engage in a frank, open and effective dialogue to remove roadblocks, promote conciliation and ensure the full implementation of the Non-Proliferation Treaty, all its provisions and related commitments, particularly those applying to nuclear disarmament. The New Agenda Coalition therefore urges all States parties to the Treaty to work together with a view to achieving a strong, balanced and comprehensive outcome in 2020, marking 50 years since the Treaty entered into force.

17. To this end, the 2020 Review Conference should:

(a) As a starting point, reiterate the continuing validity of all commitments and undertakings entered into at the 1995, 2000 and 2010 Review Conferences;

(b) Reiterate the nuclear disarmament principles of irreversibility, verifiability and transparency and call for their adequate application, including through the development of technical approaches, supplemented by appropriate legally binding

measures, in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions;

(c) Explore options for strengthening accountability through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments;

(d) Invite, in this regard, the nuclear-weapon States to voluntarily present, jointly or individually, implementation plans for the commitments and undertakings agreed to under the Review Process, with the inclusion of tentative time frames and benchmarks for progress;

(e) Urge nuclear-weapon States to remove operational nuclear weapons from high-alert status and to put in place, as a matter of urgency, appropriate legal and procedural safeguards aimed at reducing the risk of a nuclear detonation;

(f) Reiterate the urgent need to fully implement the 1995 resolution on the Middle East for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and urge all States, particularly the nuclear-weapon States, to actively support this goal and relevant efforts to meet it; and acknowledge decision 73/546 of the General Assembly, in which the Assembly decided to entrust the Secretary-General to convene a Conference aimed at elaborating a treaty on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region;

(g) Reaffirm that “a nuclear war cannot be won and must never be fought” and recommend that all nuclear-weapon States and those that rely on nuclear weapons in their security postures take measures to diminish the role of nuclear weapons in their military doctrines and report on progress towards this end;

(h) Reiterate the deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law;

(i) Recognize the disproportionate impact of ionizing radiation on women and girls;

(j) Acknowledge that a vast majority of States parties adopted the Treaty on the Prohibition of Nuclear Weapons as an effective measure of nuclear disarmament contributing to the implementation of Article VI, and note that Treaty’s full compatibility and consistency with the provisions of the Non-Proliferation Treaty;

(k) Highlight the importance of increasing public awareness of the risks and the catastrophic impact of any nuclear detonation, including through disarmament education and the work of civil society organizations;

(l) Acknowledge the Agenda for Disarmament of the Secretary-General in support of States in their efforts towards the elimination of nuclear weapons.

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