

Draft Working Paper for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

How to Promote Implementation of the Provision of Article VI on General and Complete Disarmament

Introduction

This paper offers ideas for a renewed holistic approach to Article VI of the NPT, which mandates 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 control.*”

Considered as one of the three pillars of the NPT, disarmament as referred to in its Article VI is aiming at strengthening international security and ensuring the survival of humankind by eliminating the danger of war, especially nuclear war. It is another way of implementing the provisions of the United Nations Charter whose objective is to exclude war or the use and threat of force as instruments for settling international disputes. As stated in the Final Document of the United Nations General Assembly Special Session devoted to Disarmament (SSOD I para 19), “[p]rogress towards this objective requires the conclusion and implementation of agreements on the cessation of the arms race and on genuine measures of disarmament, taking into account the need of States to protect their security.” And, as per SSOD I para 20, “[a]mong such measures, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority.”

Background

The 2020 Review Conference of the NPT (RevCon) is taking place in a challenging international security environment, with the re-emergence of great power rivalries and the bleak outlook for further steps toward nuclear disarmament, at least in the near term. Given growing concerns about the future of the global non-proliferation regime, the 2020 RevCon has a symbolic importance because it commemorates the 50th anniversary of the NPT’s entry into force and the 25th anniversary of its indefinite extension.

The continued existence of nuclear weapons and the threat of their proliferation 50 years after the entry into force of the Treaty contradict commitments made under the Treaty. The nuclear-weapon States must, without further delay, fulfil their disarmament obligations flowing from article VI. And all States Parties have an obligation to negotiate, among others, a treaty on general and complete disarmament (GCD).

This concept has a long history which often tends to be overlooked or forgotten.

1. In 1959, the UN General Assembly adopted Resolution 1378 – its first to be co-sponsored by all Member States – which placed GCD on its agenda, where it has remained ever

- since. In 1961, the Soviet Union and United States issued the McCloy/Zorin Joint Statement, outlining their agreement on the basic framework for a future GCD treaty.
2. In 1978, the General Assembly – meeting in its first special session on disarmament – agreed by consensus that “*general and complete disarmament under effective international control*” would be the world community’s “ultimate objective”, with nuclear disarmament as its highest priority.
 3. Over the years, GCD has appeared in the preamble or provisions of a dozen multilateral disarmament and arms control treaties, including the Nuclear Non-Proliferation Treaty, the Biological and Chemical Weapons conventions, and the treaties establishing four of the five regional nuclear-weapon-free zones.
 4. At the UN, GCD continues to provide the institutionalized framework for multilateral disarmament deliberations in the General Assembly’s First Committee. The UN High Representative for Disarmament Affairs, Ms Izumi Nakamitsu, has underscored its importance at a General Assembly side event on GCD held on 18 October 2017.¹
 5. GCD has rarely received serious attention in the preparatory and review processes of the NPT, despite its presence both in the Treaty’s Preamble and Article VI. It has not been the focus of any Working Paper in recent decades and is a subject that is typically addressed only in passing.

GCD and NPT Commitments

In a Working Paper presented to the 2017 Preparatory Committee of the NPT RevCon, the New Agenda Coalition (NAC) composed of Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa:

1. Recalled 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.*”
2. Recalled “*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 Treaty obligations.*”
3. Urged “*all States parties to the Treaty to work together with a view to achieving a strong and united outcome in 2020, marking 50 years since the Treaty entered into force, which will reflect the urgency and significance of the issues addressed [in their Working Paper] and will reinforce the Treaty as a key source of nuclear disarmament obligations.*”²

Among the past commitments referred to by the NAC are the following:

- The Decision by the 1995 RevCon on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, in particular its article 4 (c) about “[t]he determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by

¹ United Nations, Remarks by Izumi Nakamitsu at a General Assembly side event on “Contextualizing General and Complete Disarmament”, New York, 18 October 2017 ([go.aws/2I6roJk](https://www.un.org/press/en/2017/20171018.nakamitsu-remarks-ga-side-event-gcd.shtml)).

² United Nations, “Taking forward nuclear disarmament”, Working Paper presented by Ireland, on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition, 21 March 2017 (NPT/CONF.2020/PC.I/WP.9) (undocs.org/NPT/CONF.2020/PC.I/WP.9).

all States of general and complete disarmament under strict and effective international control.”

- The thirteen “practical steps for the systematic and progressive efforts to implement article VI of the Treaty” agreed upon in the Final Document of the 2000 RevCon, including, as the eleventh step, the “*reaffirmation that the ultimate objective of all states in the disarmament process is general and complete disarmament under effective international control*”.

It is therefore imperative that, at the 2020 RevCon, all States Parties assess progress made on the implementation of all aspects of Article VI, i.e. 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 GCD under strict and effective control. A debate on GCD, therefore, would build on the Treaty’s stated goal of review conferences of “*assuring that the purposes of the Preamble and the provisions of the Treaty are being realised*” (Article VIII(3)).

GCD continues to offer a potentially attractive means to overcome some of the perennial obstacles in the multilateral disarmament machinery, including the NPT review process. It remains the only fully comprehensive approach to disarmament that explicitly aims at integrating the various strands of disarmament, arms control, non-proliferation, and peacebuilding into a coherent, unified framework. It also has significant potential in forging a new consensus on disarmament initiatives, by approaching disarmament, non-proliferation and arms control not as rival approaches or alternatives, but as mutually reinforcing means of advancing both national and collective ends.

What GCD Seeks to Accomplish

Deliberations in the UN disarmament machinery typically focus on specific issues on the various agreed agendas. The GCD approach is intended not to replace but to complement and reinforce those deliberations, by enabling the consideration of synergies between issues and by clarifying how disarmament serves to strengthen international peace and security. It allows for steps to be taken in a parallel multi-track strategy. By approaching both disarmament and arms control together and simultaneously, states can gain a mutual benefit, and avoid the perceptions of unfair advantages, double standards, and competitive advantage that have led to and perpetuated our current disarmament stalemate.

As the term has evolved at the UN in three past special sessions of the General Assembly and in countless General Assembly Resolutions, GCD encompasses the following objectives:

- (a) the prohibition and elimination of nuclear weapons and all other weapons adaptable to mass destruction, especially biological and chemical weapons, and the means of their delivery;
- (b) the limitation and regulation of conventional armaments and the reduction of military spending while recognizing and preserving the sovereign right to self-defence; and
- (c) measures to strengthen mechanisms for the peaceful resolution of disputes and to promote compliance with the UN Charter’s fundamental norm against the threat or use of force.

It is this ambition that constitutes disarmament's real contribution to international peace and security overall. It seeks not just to reduce the risk or frequency of major wars or the use of weapons of mass destruction. It seeks to make such uses not only unlikely, but impossible. This goal is fully consistent with the primary aim of the UN Charter to “*save succeeding generations from the scourge of war*” (Preamble) and its provision in Article 26 “*to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources.*”

Indeed, GCD is a key part of the UN peace and security architecture. It enables the UNGA and UN Security Council to fulfil their respective responsibilities under Articles 11 and 26, thereby contributing to the realization of the purposes and principles of the Charter under Articles 1 and 2 with respect to the maintenance of international peace and security, the peaceful settlement of disputes and the prohibition of the threat and use of force in international affairs.

In essence, GCD is a means to make sense of the multitude of issue-specific deliberations that take place in bilateral, regional, and global arenas. Indeed, twenty-first century GCD can build on a range of concrete and verified treaties and mechanisms that were unavailable and even unimaginable when the NPT was negotiated. In this light, GCD is an inherently dynamic concept that is continually adapting to new political and technological circumstances. All states, large and small, have contributions to make in deliberating and implementing the integrated elements of GCD.

How the NPT Review Process Can Contribute to GCD

Due to various differences, the 2015 NPT Review Conference was unable to reach a consensus substantive Final Document. Among these differences, one of the most persistent has related to contrasting stances on the relationship of nuclear disarmament to what is often called the “wider security environment”. Some States Parties argue that peace and security are prerequisites for disarmament to occur, while others argue that without nuclear disarmament, neither peace nor security can be sustained.

The NPT review process provides a superb opportunity for the States Parties to consider the various ways that progress in disarmament and non-proliferation serve to strengthen international peace and security, at literally all levels: national, regional, and global. Such progress helps to prevent or limit arms races, improve regional stability, build trust and confidence, reduce incentives to expand military spending, and limit the risk of catastrophic terrorist acts. These are only a few of the security benefits that flow from disarmament agreements that satisfy long-agreed multilateral criteria of verification, irreversibility, transparency, and universality in law.

The United Nations Office for Disarmament Affairs published in 2016 an Occasional Paper devoted to GCD.³ The time has come to revive the GCD approach to disarmament and the

³ UN Office for Disarmament Affairs, *Rethinking General and Complete Disarmament in the Twenty-First Century*. Occasional Paper 28 (New York: October 2016) (go.aws/2PzdW4D).

NPT offers a complementary arena for reinforcing efforts underway in the General Assembly to achieve this worthy goal.

Recommendations for the 2020 Review Conference

1. GCD should be included as a prominent substantive issue in any Final Report emerging from the 2020 NPT Review Conference.
2. The 2020 Review Conference should dedicate specific time within the subsidiary body in Main Committee 1 to the elaboration of approaches for GCD.
3. The review of implementation of Article VI should include assessment of progress made in the implementation of negotiations in good faith for 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 control.
4. Reflecting a debate on GCD, therefore, would build on the Treaty's stated goal of review conferences of "assuring that the purposes of the Preamble and the provisions of the Treaty are being realised". (Article VIII(3)).

The Strategic Concept to Remove Arms and Proliferation (SCRAP) is an academic research project adopting a comprehensive approach to disarmament based on past best practice. It comes from the initiative and work of students, alumni and staff of the Centre for International Studies & Diplomacy at SOAS University of London, and is actively supported by a Committee of Advisors:⁴

- General Sir Hugh Beach – Former General, British Army
- Amb. Sergey Batsanov – Former Soviet and Russian Ambassador to the Conference on Disarmament
- Matthew Bolton – Assistant Professor, Pace University
- Martin Butcher – Adviser, Oxfam International
- Pierce Corden – Former Director of International Security Negotiations Office, US State Department's Arms Control Bureau
- Jayantha Dhanapala – Former UN High Representative for Disarmament Affairs
- Marc Finaud – Former French Diplomat and Current Senior Advisor at GCSP
- Andrew Futter – Senior Lecturer, University of Leicester
- Hector Guerra – Coordinator, International Action Network on Small Arms
- Peter Herby – Advisor, Norwegian Red Cross
- Angela Kane – Former UN High Representative for Disarmament Affairs
- Paul Meyer – Former Canadian Ambassador to the Conference on Disarmament
- Dan Plesch – Director, Centre for International Studies & Diplomacy at SOAS University of London
- Tariq Rauf – Former Director, SIPRI's Arms Control and Non-Proliferation Programme
- Nick Ritchie – Lecturer, University of York
- Felicity Ruby – WILPF
- Randy Rydell – Former Head of Strategic Planning Unit, UN Office for Disarmament Affairs
- Oliver Sprague – Programme Director, Amnesty International

⁴ The organisation affiliations are given for identification purposes only, and do not necessarily imply that these organisations endorse the SCRAP project.