



An SOS for the Human Race

Securing Our Survival (SOS)

The Case for a Nuclear Weapons Convention



This summary presents the key arguments for a Nuclear Weapons Convention (NWC)—a treaty abolishing nuclear weapons. It outlines the main provisions and proposed steps to achieve a NWC and describes the International Campaign to Abolish Nuclear Weapons (ICAN), the goal of which is to mobilize public support for a NWC. SOS was produced by the International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists Against Proliferation, and International Physicians for the Prevention of Nuclear War. SOS can be downloaded in its entirety at www.icanw.org.



Nuclear weapons have given humanity the power to destroy itself and severely degrade the Earth's capacity to support life within the space of a few hours. Human survival in the 21st century cannot be assured without the elimination of these ultimate weapons of terror, especially because access to nuclear weapons is becoming easier all the time.

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

- increased access to 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 and inadequate security of fissile (nuclear explosive) materials;
- lack of international resolve to ban the bomb and banish it from the arsenals of the world;
- complete lack of progress on and, indeed, reversals of hard-won nuclear disarmament gains;
- increased threats to use nuclear weapons, including pre-emptively, against non-nuclear threats and named countries;
- ineffectiveness of safeguards and other measures to prevent uranium enrichment and the reprocessing of spent reactor fuel to extract plutonium, both of which fuel nuclear proliferation.

At the 1995 Review and Extension Conference, Parties to the Nuclear Non-Proliferation Treaty agreed under Article VI “to pursue systematic and progressive efforts to reduce nuclear weapons glob-

ally, 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 Is Achievable: What the Model Nuclear Weapons Convention Offers

Securing Our Survival presents a Nuclear Weapons Convention (NWC), a draft model international treaty—or package of agreements—for the phased elimination of nuclear weapons worldwide. 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 describes 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 Nuclear Weapons Convention (NWC) outlined in this book was revised and updated in 2007, based on 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). It 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 an NWC?

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

When will an NWC be possible?

Once government attitudes change, an NWC could be achieved very quickly. The Partial Test Ban Treaty banning nuclear test explosions above ground, for example, was concluded in just 10 days of determined negotiation in July 1963 after years of deadlock.

Why choose this method of achieving nuclear disarmament?

This route will enable nuclear weapons states to fulfil their legal obligations under the NPT and to bridge the divide between non-proliferation and disarmament in a comprehensive framework that addresses both. It has global support and there are successful precedents. Piecemeal, fragmented, and inconsistent approaches have failed. Breaking through the current paralysis and abolishing nuclear weapons is both necessary and increasingly urgent.

How it could be achieved?

There are three possible approaches to achieving nuclear disarmament:

- 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 offers a comprehensive package for the complete elimination of nuclear weapons, addressing security concerns, technical challenges in verification, and legal mechanisms.

When it boils down to it, achieving an NWC is a matter not of legal or technical feasibility, but of political will.

2. Summary of Model Nuclear Weapons Convention

General obligations

The Model 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 incapable of use with nuclear weapons.

Declarations

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

Phases for elimination

The Convention outlines a series of 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", and
- placing the fissile material under international control.

In the initial phases the US and Russia, which possess 95% of the world's nuclear weapons, 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 organizations, and citizen reporting. Persons reporting suspected violations of the Convention (whistle-

blowers) will be provided protection through the Convention, including the right of asylum.

An International Monitoring System will be established under the Convention to gather information, and will make most of this information available through a registry. Information which may jeopardize commercial secrets or national security will be kept confidential.

National implementation measures

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

Agency

An agency would be established to implement the Convention. It will be responsible for verification, ensuring compliance, and decision making, and will 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 and 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 by mutual consent of

States Parties. The Agency is also 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/or Security Council for action.

Relationship to 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, the Comprehensive Test Ban Treaty Organization 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 will be established 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. It includes an optional protocol, however, which would promote sustainable energy resources and establish a program of technical and financial assistance for States Parties choosing not to develop nuclear energy or to phase out existing nuclear energy programs.

3. *Comments and Critical Questions*

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

4. *Verification*

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

Why Call for an 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 Nuclear Weapons Convention 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 Nuclear Weapons Convention, opinion polls demonstrate that a large majority of citizens—including those of nuclear weapon states—also overwhelmingly want a nuclear-weapon-free future.

Where is the Political Will?

Currently the leaders of the Nuclear Weapon States are influenced by strong political, military, bureaucratic, technocratic and commercial forces. 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 NWS consider moving away from a security policy that they know and with which they have lived for decades, albeit very dangerously for the whole world, and with many uniquely hazardous and long-lasting 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, 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 Earth.

The Model NWC was welcomed by many governments, academics, scientists, civil society leaders and non-governmental organizations (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 proposal for an NWC timely as it addresses both non-proliferation and disarmament measures in a unified and comprehensive framework.

The drafters of the Model NWC hope that by demonstrating the feasibility of nuclear disarmament and a practical path out of the current impasse, 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 a catastrophe unimaginable in scale. To do so will be enacting the will of the democratic majority, building a more cooperative, sustainable, and safe world, and indeed Securing our Survival.

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) PrepCom meeting in Vienna in April 2007. The model Nuclear Weapons Convention was submitted by Costa Rica and Malaysia and accepted as an NPT document. Support for a nuclear weapons convention 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 (INE-SAP) joined 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 organizations across the world with the aim of generating and mobilizing political will for nuclear disarmament through educating and engaging the public and policy makers, highlighting both the urgent necessity and feasibility of nuclear abolition through an NWC.
www.icanw.org.

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