

Title	New Trend and Future Direction of Nuclear Disarmament
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Citation	Osaka University Law Review. 2011, 58, p. 135-158
Version Type	VoR
URL	https://hdl.handle.net/11094/8921
rights	
Note	

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New Trend and Future Direction of Nuclear Disarmament

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Abstract

The purpose of this article is to examine the new trend of nuclear disarmament mainly spurred by President Obama's Prague address for a world without nuclear weapons, and to seek the future direction of nuclear disarmament in order to achieve a more peaceful and secure international community. I will examine some proposals that were submitted or decided prior to the Review Conference of the Nuclear Non-Proliferation Treaty in May 2010 as well as many proposals submitted at the conference, and then I will examine the content of the final document in detail. Finally, I will try to show what kinds of actions should be taken soon in order to implement the undertakings in the final document as a process toward achieving a world without nuclear weapons.

I. Introduction

President Barak Obama's famous address in Prague in April 2009 was a turning point for the trend of nuclear disarmament, which had been dormant during the Bush administration. President Obama stated that the United States has a moral responsibility to act for nuclear disarmament. This profoundly changed the circumstances surrounding nuclear disarmament and created a very positive orientation toward it.

Before this, there had been two noteworthy proposals for nuclear disarmament. One was the proposal for a world free of nuclear weapons by George Schulz, William Perry, Henry Kissinger, and Sam Nunn in January 2007, which decidedly affected President Obama's nuclear policy. The other was the five-point proposal made by UN Secretary-General Ban Ki-moon in October 2008. He asked the nuclear-weapon states to fulfill their obligation for nuclear disarmament by negotiating a nuclear weapons convention.

In September 2009, the historic first summit meeting focusing on nuclear non-proliferation and disarmament was held at the UN Security Council on an initiative by President Obama. Participants discussed nuclear non-proliferation and

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disarmament and unanimously adopted resolution 1887.

The International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) co-sponsored by the Australian and Japanese governments submitted its comprehensive report, “Eliminating Nuclear Threat: A Practical Agenda for Global Policymakers” in December 2009. One of the main purposes of this report was to make clear and concrete proposals to the 2010 NPT review conference.

The Obama administration submitted the Nuclear Posture Review (NPR) Report on April 6, 2010, which is radically different from the previous report issued under President Bush, and provides for reducing the role and number of nuclear weapons, not developing new nuclear warheads, and not carrying out nuclear testing. It also promises not to use nuclear weapons on a non-nuclear-weapon state which is a party to NPT and adheres to its obligations.

On April 8, 2010, the United States and the Russian Federation signed the New Strategic Arms Reduction Treaty (New START), which will reduce the number of deployed nuclear warheads of each state to 1550 in seven years. The treaty also limits its delivery vehicles to 700 deployed and 800 deployed and undeclared ones. It symbolizes a new relationship between the two nations, resetting their relations from confrontation to cooperation.

President Obama invited 46 heads of states or governments to the Washington Nuclear Security Summit on April 12 and 13, 2010, mainly to discuss ways to prevent nuclear terrorism. They joined President Obama’s call to secure all vulnerable nuclear material within four years, and reaffirmed the fundamental responsibility of states to maintain effective security of all nuclear material and to prevent non-state actors from obtaining information or technology required to use such material for malicious purposes.

These events were the background for the NPT review conference, which was held from May 2 to 28, 2010 at the headquarters of the United Nations in New York. The conference focused on many issues concerning nuclear disarmament, nuclear non-proliferation, and peaceful uses of nuclear energy, and it ended with the successful adoption of a final document. The final document, which includes 64 action plans for these issues, was adopted by consensus.

II. Toward a World without Nuclear Weapons

A World without Nuclear Weapons

President Barak Obama, in Prague in April 2009, stated “as a nuclear power – as the only nuclear power to have used a nuclear weapon – the United States has a

moral responsibility to act,” and he stated clearly and with conviction America’s commitment to seek the peace and security of a world without nuclear weapons.¹⁾

The origin of this famous address dates back to January 2007, when George Schulz, William Perry, Henry Kissinger, and Sam Nunn proposed “A World Free of Nuclear Weapons,” asking the U.S. to work energetically on the actions required to achieve that goal.²⁾

The first UN Security Council summit focused on nuclear non-proliferation and disarmament, held in September 2009 with the initiative of President Obama, unanimously adopted Security Council resolution 1887 (2009). Under its first preambular paragraph, the Security Council resolves to seek a safer world for all and to create the conditions for a world without nuclear weapons.

The U.S. Nuclear Posture Review Report³⁾ published on April 8, 2010 expressed the nature of the report, stating this Nuclear Posture Review (NPR) report outlines the Administration’s approach to promoting the President’s agenda for reducing nuclear dangers and pursuing the goal of a world without nuclear weapons.

The Japanese government strongly supports this idea, as Prime Ministers Yukio Hatoyama and Naoto Kan and Foreign Minister Katsuya Okada explained on some occasions. Under the U.S.-Japan Joint Statement toward a World without Nuclear Weapons⁴⁾ issued on November 13, 2009, the two states welcome the renewed international attention and commitment to achieve the peace and security of a world without nuclear weapons and confirm their determination to realize such a world.

At the 2010 NPT review conference many states referred to this idea favorably. Japan’s statement at the general debates also included the reference to a world without nuclear weapons.⁵⁾ The NAC (New Agenda Coalition) made a proposal “to

1) The White House, Office of the Press Secretary, “Remarks by President Barak Obama,” Czech Republic, April 5, 2009, accessed April 6, 2009, http://www.whitehouse.gov/the_press_office/remarks-By-President-Obama-In-Prague-As-Delivered/.

2) George Schulz, William Perry, Henry Kissinger and Sam Nunn, “A World Free of Nuclear Weapons,” *The Wall Street Journal*, January 4, 2007, accessed January 6, 2007, http://www.fcnl.org/issues/item.php?item_id=2251&issue_id=54.

3) United States Department of Defense, *Nuclear Posture Review Report* (2010): 1, accessed April 30, 2010, <http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf>.

4) The White House, Office of the Press Secretary, “United States-Japan Joint Statement toward a World without Nuclear Weapons,” November 13, 2009, accessed November 14, 2009, <http://geneva.usmission.gov/2009/11/15/us-japan-joint-statement/>.

5) Statement by Japan, General Debate, May 4, 2010. Statements and Documents of the 2010 NPT Review Conference are available in the following sites. “2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 3-28 May

call upon all states parties to pursue policies that are fully compatible with the objective of achieving a world free from nuclear weapons.⁶⁾” The NAM (Non-Aligned Movement) states also explained that “The realization of the objective of a peaceful world free from nuclear weapons is the NAM states parties’ highest priority.⁷⁾”

The final document of the review conference⁸⁾ states that “the conference resolves to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons” and recommends under Action 1 that “All states parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.”

The concept of a world without nuclear weapons had never been used before in an official statement at this kind of conference, but it is now widely accepted mainly because of strong advocacy by President Obama. Indeed, the concept should be welcomed and is very useful to encourage states to make efforts to achieve complete disarmament, taking concrete measures toward a world without nuclear weapons.

However, we must remember the following words of President Obama at Prague. He said, “I’m not naïve. This goal will not be reached quickly – perhaps not in my lifetime...Make no mistake: As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary and guarantee that defense to our allies.”

Nuclear Weapons Convention

The idea of a nuclear weapons convention was recommended by UN Secretary-General Ban Ki-moon in his five-point proposal in October 2008. He urged the nuclear-weapon states to fulfill their obligation under the Treaty to undertake negotiations on effective measures leading to nuclear disarmament, stating “They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapon

2010,” <http://www.un.org/en/conf/npt/2010/>. “Reaching Critical Will,” <http://www.reachingcriticalwill.org/legal/npt/revcon2010.html>.

6) NPT/CONF.2010/WP.8 by the New Agenda Coalition, March 23, 2010.

7) Statement by Indonesia on behalf of the Non-Aligned Movement (NAM), General Debate, May 3, 2010.

8) “2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document (NPT/CONF.2010/50(Vol.1)),” (New York, 2010), accessed June 10, 2010, [http://www.un.org/ga/seach/view_doc.asp?symbol=NPT/Conf.2010/50\(VOL.1\)](http://www.un.org/ga/seach/view_doc.asp?symbol=NPT/Conf.2010/50(VOL.1)).

convention, backed by a strong system of verification.⁹⁾”

The International Commission on Nuclear Non-proliferation and Disarmament (ICNND) sponsored by the Japanese and Australian governments submitted a report¹⁰⁾ in November 2009 and recommended that “Work should commence now on further refining and developing the concept in the model Nuclear Weapons Convention now in circulation, making its provisions as workable and realistic as possible and building support for them, with the objective of having a fully-worked through draft available to inform and guide multilateral disarmament negotiations.”

At the review conference, the NAM states demanded “to agree on an action plan on nuclear disarmament which includes concrete steps for the total elimination of nuclear weapons with a specified framework of time including a nuclear weapons convention, without delay,¹¹⁾” and submitted “Elements for a Plan of Action for the Elimination of Nuclear Weapons,¹²⁾” which provided for a three-phased plan to eliminate nuclear weapons by 2025.

China demanded that “The international community should develop, at an appropriate time, a viable, long-term plan composed of phased actions, including conclusion of a convention on the complete prohibition of nuclear weapons.¹³⁾” The concept of a nuclear weapons convention was supported not only by the non-aligned states and China but also by Switzerland, Austria and Norway.

The nuclear-weapon states excluding China generally opposed the idea, with the U.S. stating, “The United States does not share that view. A Nuclear Weapons Convention is not achievable in the near term and therefore is not a realistic alternative to the step-by-step approach we are taking.¹⁴⁾” Japan does not support the idea because Japan traditionally prefers a practical, step-by-step approach.

The final document, in the context of making efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons, states that “The Conference notes the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes inter alia consideration of

9) “UN Secretary-General’s Address to East-West Institute, Secretary-General, SG/SM/11881,” October 24, 2008, accessed January 17, 2009, <http://www.un.org/News/Press/docs/2008/sgsm11811.doc.htm>.

10) Gareth Evans and Yoriko Kawaguchi, *Eliminating Nuclear Threat: A Practical Agenda for Global Policymakers* (Report of the International Commission on Nuclear Non-proliferation and Disarmament, Canberra/Tokyo, November 2009).

11) NPT/CONF.2010/WP.46 by the Group of Non-Aligned States Parties, April 28, 2010.

12) NPT/CONF.2010/WP.47 by the Group of Non-Aligned States Parties, April 28, 2010.

13) Statement by China, General Debate, May 4, 2010.

14) Statement by the United States, Subsidiary Body I, May 10, 2010.

negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”

This is the first time that a nuclear weapons convention was referred to in the final document, although its reference is indirect. The idea of a nuclear weapons convention has been advocated by non-aligned states and NGOs (non-governmental organizations), and some NGOs submitted a draft nuclear weapons convention.¹⁵⁾

Time Framework for Nuclear Disarmament

The ICNND proposed that “Nuclear disarmament should be pursued as a two-phase process: with “minimization” to be achieved no later than 2015, and “elimination” as soon as possible thereafter. Short (to 2012), medium (to 2025) and longer term (beyond 2025) action agendas should reflect those objectives. The main measures that should be taken to achieve minimization point are 1) reduction to no more than 2000 nuclear warheads, 2) commitment to no first use of nuclear weapons, and 3) credible force postures.

The NAM proposal for nuclear disarmament provided for a strict time framework in three phases of five years each, with completion by 2025. The NAC argued that “The Review Conference should call for a timeframe with the list of specific actions for the implementation of Article VI,...It is vital that the international community to adopt an action plan with benchmarks and timeframe for the “how” to realize the objective of a world free of nuclear weapons.” China also proposed that the international community develop a viable, long-term plan composed of phased actions.

However, the nuclear-weapon states excluding China are generally negative to the idea of a time framework because they do not like to be bound by a strict timeline. Japan as well as the U.S. does not support the idea of a time framework for nuclear disarmament because it prefers practical and incremental steps in nuclear disarmament.

According to the first draft at the conference, the nuclear-weapon states shall convene consultations not later than 2011 to accelerate concrete progress on nuclear disarmament and shall report back to states parties in 2012, and based on the outcome of these consultations, the Secretary-General of the United Nations is

15) The latest version of a model nuclear weapons convention is included in *Securing our Survival (SOS): The Case for a Nuclear Weapons Convention*, International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists Against Proliferation, International Physicians for the Prevention of Nuclear War, (2007).

invited to convene an international conference in 2014 to consider ways and means to agree on a roadmap for the complete elimination of nuclear weapons within a specified timeframe.

Because these draft sentences were deleted due to opposition by the nuclear powers, it was instead agreed that “The nuclear-weapon states are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of Article VI.” The final document includes such a very weak timeframe, as it was watered down significantly from the first draft.

A timeline or timeframe was one of the most confrontational issues at the conference. In the review section of the final document, which was composed by the President of the Conference under his responsibility and did not reflect a consensus opinion of the participants, paragraph 83 provides that “The conference affirms that the final phase of the nuclear disarmament process and other related measures should be pursued within an agreed legal framework, which a majority of states parties believe should include specified timelines.” This means there was no consensus on specific timelines.

Regarding the issues of security assurances and the Fissile Material Cutoff Treaty (FMCT), the first draft stated “If the discussions in the Conference on Disarmament (CD) fail to commence before the end of the 2011 session of the Conference on Disarmament, the 66th Session of the United Nations General Assembly should determine how discussions should be pursued.”

This idea was also deleted due to the opposition from the nuclear-weapon states, and only one sentence including time was included as follows, “The Review Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.”

As the CD had not been working actively for more than 10 years, it was thought to be a good idea for the UN General Assembly to determine how discussions should be pursued. As the possibility for the CD to start negotiations or consultations seems very low, the final document should have indicated what to do if the CD fails to start negotiations or consultations.

III. Reduction of Nuclear Weapons

Reduction of Nuclear Weapons in General

The reduction of nuclear weapons is the surest way toward a world free of

nuclear weapons. President Obama was very positive about the idea of reducing the number of nuclear weapons through an arms reduction treaty with Russia, as, in particular, the START Treaty of 1991 was to expire in December 2009. The U.S. and Russia agreed to begin post-START negotiations in April 2009, and the New START Treaty, which it had been hoped would be signed before the expiration of the START Treaty, was signed on April 8, 2010.

The U.S. NPR submitted on April 6, 2010 states “The United States will meet its commitment under Article VI of the NPT to pursue nuclear disarmament and will make demonstrable progress over the next five to ten years. We will work to reduce the role and numbers of U.S. nuclear weapons while enhancing security for ourselves, and our allies and partners.”

According to the report, the U.S. seeks ratification and implementation of the New Strategic Arms Reduction Treaty (New START) requiring substantial reduction in deployed U.S. and Russian nuclear forces; engages Russia, after ratification and entry into force of New START, in negotiations aimed at achieving substantial further nuclear force reductions and transparency that would cover all nuclear weapons – deployed and non-deployed, strategic and non-strategic; and following substantial further nuclear force reductions with Russia, engages other states possessing nuclear weapons, over time, in a multilateral effort to limit, reduce, and eventually eliminate all nuclear weapons worldwide.

The ICNND states that “The “minimization point” objective should be to achieve no later than 2025 a global total of no more than 2000 nuclear warheads, with the U.S. and Russia reducing to a total of 500 nuclear warheads each.” It recommends for the START process that the U.S and Russia accelerate implementation of the START follow-on treaty, which should be no later than 2015, and that once it is ratified, the two nations resume intensive negotiations with a view to reaching a further START agreement no later than 2015, which could bring the total number of warheads down to no more than 1000 for each, and hopefully much less, by the year 2020.

It also indicates that the highest priority need is for all nuclear-armed states to explicitly commit to not increasing the number of their nuclear weapons, that strategic dialogues be initiated by all the nuclear-armed states to lay the groundwork for multilateral disarmament negotiations, and that consideration be given to using the Conference on Disarmament in Geneva as an appropriate forum for initial consultations between all the nuclear-armed states.

The Australia-Japan joint package welcomed the nuclear disarmament steps taken by France, Russia, the U.K., and the U.S. including the progress of

negotiations for the START follow-on treaty, called on all states possessing nuclear weapons to pursue negotiations on nuclear disarmament bilaterally and/or multilaterally, and called on them to make an early commitment to reducing, or at least not increasing their nuclear arsenals.¹⁶⁾ The NAC also called upon all nuclear-weapon states to take further steps to reduce their non-strategic and strategic nuclear arsenals.

The final document of the 2010 NPT review conference states that “the Conference affirms the need for the nuclear-weapon states to reduce and eliminate all types of their nuclear weapons,” and under Action 3, “the nuclear-weapon states commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional, and multilateral measures.” The nuclear-weapon states are called upon to rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons under Action 5a.

New START Treaty

On the new START treaty, Secretary of State Clinton mentioned that “we are taking irreversible, transparent, verifiable steps to reduce the number of the nuclear weapons in our arsenal. Our new START treaty with Russia will limit the number of strategic nuclear weapons deployed by our countries to levels not seen since the 1950s. This agreement is consistent with the Secretary General’s call to pursue nuclear disarmament through agreement on a framework of separate, mutually reinforcing instruments.”

Russia also referred to the recent signing of the new START treaty, stating that “As the President of Russia put it, in this new Treaty “both sides won, as they strengthened their security and with regard of our victory the whole world community has gained”.¹⁷⁾”

The U.S. and Russia submitted a Joint Statement on New START at the conference, emphasizing its importance on the path to nuclear disarmament and non-proliferation, demonstrating their commitment to Article VI, and stating that the treaty is not only in the interests of our two countries, but of the entire world community.¹⁸⁾

The five nuclear-weapon states expressed their support for the treaty, believing

16) NPT/CONF.2010/WP.9 by Australia and Japan, March 24, 2010.

17) Statement by the Russian Federation, General Debate, May 4, 2010.

18) Joint Statement by the Russian Federation and the United States of America on New START, May 7, 2010.

it to be a significant step in the implementation of Article VI that will promote international stability and undiminished security for all, and thus help create the conditions for moving toward our disarmament goals.¹⁹⁾

According to the NAM, the new START Treaty is a step in the right direction, but such reductions remain below the international community's expectations which anticipate more concrete, uniform and systematic nuclear disarmament efforts involving all nuclear weapon states. The NAC welcomed the treaty and looked forward to its early entry into force, stating that "This agreement is an important step forward, but only one of many necessary steps needed to achieve nuclear disarmament."

Under Action 4, the U.S. and Russia commit to seeking the early entry into force and full implementation of the New START Treaty and are encouraged to continue discussions on follow-on measures.

Non-Strategic Nuclear Weapons

Non-strategic (tactical) nuclear weapons are not mentioned separately in the final document, although it is clear that they are substantively included, as the final document refers to "all types of nuclear weapons". While the U.S. argued for negotiations of non-strategic nuclear weapons with Russia,²⁰⁾ Russia opposed the direct reference to non-strategic nuclear weapons, stating that the negotiations on the reduction of non-strategic nuclear weapons could be possible only within an entire context including conventional arms and missile defense of the U.S.²¹⁾

Action 5b of the final document addresses the question of all nuclear weapons regardless of their types or their location as an integral part of the general nuclear disarmament. In the first to third drafts, the main subject was the question of weapons stationed on the territories of non-nuclear-weapon states. With strong opposition from the U.S., the phrase "regardless of their location" was inserted instead, changing the substantive meaning of the provision. In this connection, Russia and China argued for the removal of nuclear weapons deployed in other states, and non-aligned states argued that this nuclear sharing was a violation of Articles I and II of the NPT.

The European Union (EU) called on all states parties possessing nuclear

19) Statement by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to the 2010 Non-Proliferation Treaty Review Conference, May 5, 2010.

20) Statement by the United States, Subsidiary Body I, May 10, 2010.

21) Statement by the Russian Federation, Main Committee I, May 7, 2010.

weapons to include non-strategic nuclear weapons in their general arms control and disarmament processes, and encouraged the U.S. and Russia to include non-strategic nuclear weapons in the next round of their bilateral nuclear arms reductions.²²⁾ Germany, on behalf of the ten European states, strongly argued for the negotiations on effectively verifiable and legally binding reduction of non-strategic nuclear weapons in the further arms control and disarmament process.²³⁾ Due to Russian opposition, all these arguments were turned down. As the 2000 final document included “further reduction of non-strategic nuclear weapons” under step 9-3, we find the retrogression in this year’s agreement. It is recommended that consultations on non-strategic nuclear weapons be started between NATO and Russia in order to find equitable measures for both sides, for example, by discussing the issue in a holistic way by including non-strategic weapons, conventional weapons, missile defense, and other issues.

IV. Reduction of the Role of Nuclear Weapons

Nuclear Doctrine

President Obama in his address in Prague in April 2009 emphasized the need to reduce the role of nuclear weapons in his national security strategy and urged others to do the same in order to put an end to Cold War thinking.

The ICNND recommended that “Pending the ultimate elimination of nuclear weapons, every nuclear armed state should make an unequivocal “no first use” declaration, committing itself to not using nuclear weapons either preventively or preemptively against any possible nuclear adversary, keeping them available only for use, or threat of use, by way of retaliation following a nuclear strike against itself or its allies. If not prepared at this stage to make such a declaration, every nuclear armed state should at least accept the principle that the sole purpose of possessing nuclear weapons is to deter others from using such weapons against that state or its allies.” It also recommended that a “sole purpose” statement be made in the U.S. Nuclear Posture Review due for publication early in 2010.

The phrase “the sole purpose” was intentionally used in the report of the ICNND in place of “no first use of nuclear weapons” which had been traditionally used but abandoned due to the cynicism about the Cold War era “no first use” commitment of the Soviet Union.

22) NPT/CONF.2010/WP.31 by Spain on behalf of the European Union, April 14, 2010.

23) Statement by Germany on behalf of Austria, Belgium, Finland, Ireland, Luxembourg, the Netherlands, Norway, Slovenia, Sweden, and Germany, Main Committee I, May 12, 2010.

In the U.S. Nuclear Posture Review Report in April 2010, the U.S. concluded that (i) the U.S. will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attacks on the U.S. or our allies and partners the sole purpose of U.S. nuclear weapons; (ii) the U.S. would consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the U.S. or its allies and partners; and (iii) the U.S. will not use or threaten to use nuclear weapons against non-nuclear-weapon states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.

The Russian Federation, without supporting the idea of no first use, emphasized the need for the inclusion of all nuclear-weapons states in the process of nuclear disarmament, preventing deployment of weapons in outer space, and controlled cessation of the building of conventional weapons.²⁴⁾ France explained that its doctrine is strictly defensive and stringently limits the role of nuclear weapons by restricting implementation of deterrence to extreme circumstances of self-defence, but does not support the no first use doctrine.²⁵⁾

China stated that “Nuclear-weapon states should earnestly reduce the role of nuclear weapons in their respective national security policy, unequivocally undertake not to be the first to use nuclear weapons, and unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon states and nuclear-weapon-free zones. We call on all nuclear-weapon states to conclude an international legal instrument in this regard at an early date.”²⁶⁾

At the conference, Australia and Japan called on all nuclear possessing states to commit themselves to reducing the role of nuclear weapons in their national security strategies, and called on the nuclear-weapon states to take such measures as providing stronger negative security assurances that they will not use nuclear weapons against non-nuclear-weapon states that comply with the NPT.

The NAC called upon all nuclear-weapon states, in accordance with their commitment to diminish the role of nuclear weapons, to reduce their non-nuclear and nuclear weapons, to encourage states that are part of a regional alliance to report measures to reduce and eliminate the role of nuclear weapons in collective security doctrines, to refrain from pursuing military doctrines which emphasize the importance of nuclear weapons, to consider providing non-nuclear-weapon states parties to the NPT with legally binding security assurances, and to respect their

24) Statement by the Russian Federation, Main Committee I, May 7, 2010.

25) Statement by France, General Debate, May 4, 2010.

26) Statement by China, General Debate, May 4, 2010.

existing commitment with regard to security assurances. The NAM called for the negotiation of a universal, unconditional, and legally binding instrument on security assurances to non-nuclear-weapon states against the use or threat of use of nuclear weapons.

In the context of reducing the role of nuclear weapons, Australia encouraged the inclusion in any Conference outcome of a commitment to work collectively towards the interim objective of making nuclear deterrence the sole purpose of nuclear weapons.²⁷⁾

The reduction of the role of nuclear weapons was one of the hottest issues at the conference mainly due to President Obama's strong initiative and concrete measures by the U.S. expressed in the Nuclear Posture Review. Thus, the conference participants agreed to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines, and policies as Action 5c. Though the paragraph of the final document is too abstract to use for guidance, nuclear-weapon states should take more concrete measures to reduce the role of nuclear weapons.

Negative Security Assurances

UN Security Council resolution 1887 of September 2009 recalls the statements by each of the five nuclear-weapon states on negative assurances of May 1995, and affirms that such security assurances strengthen the nuclear non-proliferation regime.

The ICNND stated "New and unequivocal negative security assurances (NSAs) should be given by all the nuclear-armed states, supported by binding Security Council resolution, that they will not use nuclear weapons against non-nuclear weapon states. The only qualification should be that the assurances would not extend to a state determined by the Security Council to be in non-compliance with the NPT to so material an extent as to justify the non-application of any NSA."

In the Nuclear Posture Review, the U.S. concluded that the U.S. will not use or threaten to use nuclear weapons against non-nuclear-weapon states that are party to the NPT and in compliance with their nuclear non-proliferation obligations, strengthening traditional negative security assurances.

Russia consistently stands for an urgent elaboration of an international convention to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons.²⁸⁾

27) Statement by Australia, Main Committee I, May 7, 2010.

28) Statement by the Russian Federation, Subsidiary Body I, May 10, 2010.

China stated “Nuclear-weapon states should unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon states. We call on all nuclear-weapon states to conclude an international legal instrument in this regard at an early date.”

Australia and Japan called on the nuclear-weapon states to take such measures as providing stronger negative security assurances that they will not use nuclear weapons against non-nuclear-weapon states that comply with the NPT. The NAC called for providing non-nuclear-weapon states parties to the NPT with legally binding security assurances, and respecting fully their existing commitment with regard to security assurances. The NAM called for the negotiation of a universal, unconditional, and legally binding instrument on security assurances to non-nuclear-weapon states against the use or threat of nuclear weapons.

The Conference reaffirms and recognizes the legitimate interests of non-nuclear-weapon states in receiving unequivocal and legally binding security assurances from nuclear-weapon states, and recalls the unilateral statements and the relevant protocols to treaties establishing nuclear-weapon free zones. Under Action 7, all states agree that the Conference on Disarmament should immediately begin discussion on this issue, and the Review Conference invites the UN Secretary-General to convene a high-level meeting in September 2010.

Many states argued for immediate discussion on this issue at the Conference on Disarmament, but the possibility for the CD to start its activity seems to be low. Thus, some states including Norway prefer the adoption of a UN Security Council resolution or a protocol to the NPT as a means to realize stronger negative security assurances.

Nuclear-Weapon-Free Zones and Negative Security Assurances

The UN Security Council resolution 1887 in September 2009 welcomes and supports the establishment of nuclear-weapon-free zones and reaffirms the conviction that the establishment enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament.

The ICNND recommended that “All NPT nuclear-weapon state members should sign and ratify the protocols for all the Nuclear Weapon Free Zones, and the other nuclear-armed states (so long as they remain outside the NPT) should issue stand-alone negative security assurances for each of them.”

U.S. Secretary of State Hilary Clinton stated “I am announcing we will submit protocols to the United States Senate to ratify our participation in the nuclear-

weapon-free-zones that have been established in Africa and the South Pacific. And we are prepared to consult with the parties to the nuclear-weapon-free zones in Central and Southeast Asia, in an effort to reach agreement that would allow us to sign those protocols as well”²⁹⁾.

Russia expressed the importance of establishing nuclear-weapon-free zones in the process of continuously building up the assurance mechanism, stating “We are ready to assist the states parties of the Semipalatinsk treaty in their dialogue with nuclear-weapon states on the treaty-related matters. We expect the remaining issues under the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to be settled as soon as possible through the dialogue between nuclear powers and ASEAN countries.”

China stated that the nuclear-weapon states should unconditionally not use or threaten to use nuclear weapons against nuclear-weapon-free zones.

The NAC urged to take all necessary measures to bring about the entry into force of the relevant protocols and the withdrawal of any related reservations or unilateral interpretative declarations, as well as encouraged the establishment of further additional nuclear-weapon-free zones. The NAM confirmed that the establishment of nuclear-weapon-free zones represents a positive step and an important measure towards attaining the objective of global nuclear disarmament and non-proliferation, and urged nuclear-weapon states to modify or withdraw reservations or unilateral interpretations.

Under Action 9, the establishment of further nuclear-weapon-free zones is encouraged. All concerned states are encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols and to bring about the entry into force of the relevant legally binding protocols which include negative security assurances. The concerned states are encouraged to review any related reservations.

The nuclear-weapon states express their constructive attitudes toward the relevant protocols to the treaty establishing nuclear-weapon-free zones. The consultation between the nuclear-weapon states and members of the treaty should start to constructively resolve outstanding issues.

Prohibition of the Use of Nuclear Weapons

The issue of the use of nuclear weapons had not been seriously discussed at the previous NPT review conferences. However, at this conference, this issue was highly debated in relation to the declaratory policy on nuclear weapons, and the

29) Statement by the United States, General Debate, May 3, 2010.

humanitarian aspect of the use of nuclear weapons was widely discussed.

Switzerland stated that the continued existence of defence policies based on nuclear weapons only serves to prolong this irresponsible gamble with the future of humanity. “Nuclear weapons have no use, they are immoral and illegal. They are fundamentally immoral because they are designed to cause massive and indiscriminate destruction. They are illegal by their very nature with regard to the international humanitarian law because they are indiscriminate in their effect, and their use violates without exception all fundamental principles and rules of international humanitarian law.”³⁰⁾

Elements for a Plan of Action for the Elimination of Nuclear Weapons submitted by the NAM demands that nuclear-weapon states eliminate the role of nuclear weapons in their military and security policies, and elaborate a convention unconditionally prohibiting the use or threat of use of nuclear weapons.³¹⁾

Action 5d of the final document calls upon nuclear-weapon states to “discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war, and contribute to the non-proliferation and disarmament of nuclear weapons. Originally this paragraph dealt with the declaratory policy to minimize the use or threat of use of nuclear weapons.

On the humanitarian aspect of nuclear weapons, in paragraph v of A. Principles and Objectives, the conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law.

This humanitarian aspect was proposed mainly by Switzerland. With opposition from some nuclear-weapon states and overwhelming support by non-nuclear-weapon states in Europe and Latin America, the demand to comply with international humanitarian law was accepted. This aspect has not been discussed widely as a way toward realizing a world without nuclear weapons. If we take into consideration the advisory opinion by the International Court of Justice on the legality of the use of nuclear weapons, this is one of the promising ways toward achieving nuclear disarmament.

Reduction of the Operational Status of Nuclear Weapons

The ICNND states that “The basic objective is to achieve changes to

30) Statement by Switzerland, General Debate, May 4, 2010.

31) NPT/CONF.2010/WP.47 by Group of the Non-Aligned States Parties to the NPT, May 28, 2010.

deployment as soon as possible which ensure that, while remaining demonstrably survivable to a disarming first strike, nuclear forces are not instantly usable. Stability should be maximized by deployments and launch alert status being transparent. It is crucial that ways be found to lengthen the decision-making fuse for the launch of any nuclear weapons, and in particular that weapons be taken off launch-on-warning alert as soon as possible.”

The U.S. Nuclear Posture Review concludes that the U.S. will maintain the current alert posture of U.S. strategic forces, continue the practice of “open-ocean targeting” of all ICBMs and SLBMs, make new investments in the U.S. command and control system to maximize presidential decision time in a nuclear crisis, and explore new modes of ICBM basing that could enhance survivability and further reduce any incentives for prompt launch.

The Australia-Japan package called on all states possessing nuclear weapons to take measures to reduce the risk of their accidental or unauthorized launch and to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security. The NAC called for further concrete measures to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status.

The NAM asked nuclear-weapons states to stand down their nuclear weapon systems from a state of operational readiness as a measure taken in the first phase by 2015. China also called on nuclear-weapon states to take all necessary steps to avoid accidental or unauthorized launches of nuclear weapons.³²⁾

New Zealand along with Chile, Malaysia, Nigeria, and Switzerland submitted a working paper for further reducing the operational status of nuclear weapons systems, recommending that the conference (1) recognize that reductions in alert levels would contribute to the process of nuclear disarmament, (2) urge that further concrete measures be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status, and (3) call on the nuclear-weapon states to regularly report on measures taken to lower the operational readiness of their nuclear weapons systems.

Action 5e of the final document calls on them to “consider the legitimate interest of non-nuclear weapon states to further reducing the operational status of nuclear weapons systems in ways that promote international stability and security,”

32) NPT/CONF.2010/WP.63 by China, May 6, 2010.

and Action 5f calls on them to “reduce the risk of accidental use of nuclear weapons.” In spite of the many strong demands by non-nuclear-weapon states to reduce the operational status of nuclear weapons systems, the U.S. and Russia continue to keep many nuclear weapons on high alert status, and they are not likely to change this posture in the near future.

V. CTBT and FMCT

Comprehensive Nuclear Test Ban Treaty (CTBT)

There has been near consensus among NPT parties to argue for the early entry into force of the CTBT and the moratorium of nuclear tests ever since the U.S. administration changed from Bush to Obama, as is evident in the UN Security Council resolution 1887 of September 2009.

The ICNND recommended that “All states that have not already done so should sign and ratify the CTBT unconditionally and without delay. Pending entry into force, all states should continue to refrain from nuclear testing. All signatories should provide the necessary financial, technical and political support for the continued development and operation of the CTBTO, including completing the global coverage of its monitoring systems, facilitating on-site inspection when warranted, and establishing effective national data centres and information gathering systems.”

The U.S. Nuclear Posture Review clearly states, “The United States will not conduct nuclear testing, and will pursue ratification and entry into force of the Comprehensive Test Ban Treaty.”

The Australia and Japan proposal urges all states that have not yet done so to sign and ratify the Comprehensive Nuclear Test-Ban Treaty (CTBT) at the earliest opportunity with a view to its early entry into force, and emphasizes the importance of maintaining the moratorium on nuclear weapons testing pending the entry into force of the CTBT.

Almost all states called on these two measures in the review conference. The NAM stressed the importance of achieving the entry into force of the CTBT, requiring its ratification by the remaining Annex 2 states, including in particular two nuclear-weapon states, and stressed that nuclear-weapon states have a special responsibility to encourage progress on the entry into force of the CTBT. The U.S. has expressed its strong intention to ratify the CTBT, and during the conference Indonesia expressed its intention to ratify it soon.

The conference recognizes that the test ban constitutes an effective measure of

nuclear disarmament and non-proliferation, and reaffirms the vital importance of its entry into force as well as the determination of the nuclear-weapon states to abide by their respective moratoria. Under Action 10, all nuclear-weapon states undertake to ratify the CTBT, and under Action 11 all states commit to refrain from nuclear weapon test explosion. Action 12 recognizes the contribution of the Conference on Facilitating the Entry-into-Force of the CTBT. Under Action 13 ratifying states undertake to promote its entry into force, and under Action 14 the CTBTO Preparatory Commission is encouraged to develop the CTBT verification regime.

Compared with the 2000 final document which provided for the importance and urgency of its signatures and ratifications, and a moratorium on nuclear-weapon-test explosions, the current Final Document includes many other aspects such as the contribution of the Conference on Facilitating its Entry-into-Force, the role of ratifying states, and the CTBTO Preparatory Commission. However, the fundamental recommendations are almost the same although the current one includes technical aspects of the CTBT.

Fissile Material Cut-Off Treaty (FMCT)

The ICNND recommended negotiating to an early conclusion in the Conference on Disarmament an FMCT banning the production of fissile material for nuclear weapons or other nuclear explosive devices. It also recommended that all nuclear-armed states should declare or maintain a moratorium on the production of fissile material for weapon purposes pending the entry into force of such a treaty.

The U.S., under the Nuclear Posture Review, seeks commencement of negotiations on a verifiable Fissile Material Cutoff Treaty (FMCT) to halt the production of fissile material for use in nuclear weapons.

Australia and Japan called for the immediate commencement and early conclusion of negotiations on an FMCT, while urging all states possessing nuclear weapons to declare and maintain the moratorium on the production of fissile material for weapons purposes. The NAC reiterated the necessity of negotiations in the CD on an FMCT, and the NAM asked CD members to agree on a program of work for the CD that includes the immediate commencement of negotiations on an FMCT with a view to its conclusion within five years.

The first draft included “Action 18: All states undertake to seek a global moratorium on the production of fissile material for use in nuclear weapons” and “Action 19: The nuclear-weapon states undertake to declare all weapon-usable fissile material stocks by 2012.” Action 19 was immediately deleted and there was

no mention of it in the second draft due to strong opposition by the nuclear-weapon states. The second draft included a softer expression of Action 18 as follows, “Action 18: All states recognize that a global moratorium on the production of missile material for use in nuclear weapons would constitute an important contribution to achieving the goals of the Treaty, and all nuclear-weapon states should uphold or consider declaring a moratorium.” However, China strongly opposed this paragraph and it was deleted. As a result, there is no provision for the moratorium.

Under Action 15, all states agree that the Conference on Disarmament should immediately begin negotiations of an FMCT, and the Review Conference invited the UN Secretary-General to convene a high-level meeting in September 2010. As the 2000 Final Document recommended negotiating such a treaty “with a view to their conclusion within five years,” the new agreement was weaker. In addition, some states, including Canada, suggested negotiating it in a different forum than the CD.

Excessive Fissile Material

The ICNND states “On the question of pre-existing stocks, a phased approach should be adopted, with the first priority a cap on production; then an effort to ensure that all fissile material other than in weapons becomes subject to irreversible, verified non-explosive use commitments; and with fissile material released through dismantlement being brought under these commitments as weapons reduction are agreed. As an interim step, all nuclear-armed states should voluntarily declare their fissile material stocks and the amount they regard as excess to their weapons needs, place such excess material under IAEA safeguards as soon as practicable, and convert it as soon as possible into forms that cannot be used for nuclear weapons”.

The U.S. Nuclear Posture Review mentions “working with the Russian Federation to jointly eliminate 68 tons of weapons-grade plutonium no longer needed for defense purposes”.

Australia and Japan urged all states possessing nuclear weapons to declare voluntarily fissile material that is no longer required for military purposes and to place such material under IAEA safeguards or other relevant international verifications. The NAC stressed the need for all five nuclear-weapon states to make arrangements for the placing of their fissile material no longer required for military purposes under IAEA or another relevant international verification and to make arrangements for the disposition of such material for peaceful purposes, as

well as to support the development of appropriate legally binding verification arrangements to ensure the irreversible removal. The NAM also argued for placing fissile material transferred from military to peaceful purposes under IAEA safeguards.

Action 16 encourages the nuclear-weapon states to declare to the IAEA all excessive fissile material and to place such material under IAEA safeguards, Action 17 encourages all states to develop legally binding verification arrangements, and Action 18 encourages the dismantling or converting for peaceful purposes facilities used for its production.

As the 2000 agreement recommended placing excessive fissile material under IAEA safeguards and disposing of it for peaceful purposes, this new agreement is almost the same as the old one though it includes new technical measures such as the development of a legally binding verification arrangement and dismantling of facilities used to produce fissile material.

VI. Conclusion: What to Do

The current positive trend toward nuclear disarmament prompted by the strong leadership of President Obama and supported by the cooperative attitude of many states should be praised. However, there is no guarantee that this positive trend will last forever. We have to seize this opportunity to make the world more peaceful and secure through these efforts to realize a world without nuclear weapons. In order to proceed in this direction, we must take the following measures as soon as possible.

First, discussions on a nuclear weapons convention should be held not only among scholars and NGOs but among states, including the nuclear-weapon states. The basis of discussion could be the existing model nuclear weapons convention that has been proposed by the NGOs. It is much better to think of each concrete nuclear disarmament measure in the framework of a nuclear weapons convention than to think of each measure independently of a whole framework.

It may be difficult to set a rigid timetable for the entire process of nuclear weapon elimination from the beginning. We may only have a rigid timetable for measures taken in the first stage of the whole long process.

Second, the U.S. and Russia should work hard to ratify and implement the New START Treaty as soon as possible and swiftly move on to the next stage of negotiation between them to further reduce the number of deployed strategic nuclear warheads to 1000 each. By resetting their relations with the signing of the New START Treaty, it would not seem to be very difficult for the two countries to

negotiate and conclude a treaty in the current international security environment.

Third, the United States, in consultation with NATO members, should begin negotiations to reduce non-strategic nuclear weapons stationed in NATO countries and Russia. In order to invite Russia to this negotiation, the U.S. should include the issues of missile defense and conventional arms in the negotiation. Both countries should work hard to strengthen the possibility of cooperation in missile defense.

Some NATO states in whose territory U.S. nuclear weapons are deployed are arguing for the withdrawal of these nuclear weapons to the U.S. homeland. After consultation among NATO members, these non-strategic nuclear weapons should be reduced or consolidated.

Fourth, the nuclear-weapon states should rethink their nuclear doctrines with the aim of further restricting the use of nuclear weapons and reducing the salience of nuclear weapons in their security strategy. The first step is to adopt the “sole purpose” doctrine, that is, to declare that the sole purpose of nuclear weapons is to deter a nuclear attack from others. Then, nuclear possessing states should make a pledge to each other of “no first use” of nuclear weapons.

Fifth, negative security assurances to non-nuclear-weapon states should be given more clearly and should exclude calculated ambiguity. Legally binding negative security assurances given through a protocol to the treaties establishing nuclear-weapon-free zones should be completely implemented. Nuclear-weapon states that have not ratified a protocol should do so as soon as possible. In the cases of nuclear-weapon-free zones in Southeast Asia and Central Asia, the dispute between the zonal states and the nuclear-weapon states prevents the nuclear-weapon states from signing and ratifying the protocol. They should begin consultations to resolve pending issues and proceed to the signature and ratification of the protocol.

Sixth, as the NPT review conference emphasized the importance of international humanitarian law, all states should work towards achieving the prohibition of the use of nuclear weapons, including the discussion or negotiation of a convention prohibiting the use of nuclear weapons, based on the Advisory Opinion of the International Court of Justice in July 1996.

Seventh, in order to prevent an unauthorized or accidental launch of nuclear missiles, the U.S. and Russia should start consultations to reduce the high alert status of missiles or de-alert them through confidence-building measures.

Eighth, the U.S. should make efforts to ratify the CTBT as soon as possible, and China should follow suit. Then the five nuclear-weapon states should persuade or pressure the remaining nuclear possessing states, that is, India, Pakistan, Israel, and North Korea to sign and ratify the CTBT.

Finally, the Conference on Disarmament in Geneva should begin negotiating an FMCT in the 2011 sessions. If they cannot agree on the negotiation until the end of the 2011 sessions, another forum for its negotiation should be pursued by those states arguing for the case.

These are the measures which should and could be taken now to make progress toward a more peaceful and secure world through nuclear disarmament.

