



The Model Nuclear Weapons Convention as Fulfillment of the Non-Proliferation Treaty

The Model Nuclear Weapons Convention (MNWC), far from being in competition with the Non-Proliferation Treaty (NPT), fulfills the promises contained in the NPT. The MNWC is nothing more nor less than a comprehensive draft of the international nuclear disarmament agreement required to achieve the nuclear-weapons-free world envisioned by the NPT.

Some NPT Member States who strongly support the goal of global nuclear disarmament, who consistently criticize the Nuclear Weapon States (NWS) for doing too little at too slow a pace to comply with their Article VI obligations, and who share civil societies concerns with proliferation and the threat of nuclear terrorism, are nonetheless wary of embracing the MNWC. They express concerns that a focus on the MNWC would distract attention and divert energy away from the uphill fight to preserve and strengthen the NPT; that the hard-won gains in the NPT could be lost if the Nuclear Weapon States were allowed to start negotiating from scratch; that the whole subject of abolition, given the fragility of the non-proliferation regime and the gridlock in the Conference on Disarmament, is premature.

The motivation for these concerns is sincere and legitimate: a desire not to lose more ground on disarmament and non-proliferation than has been lost since the 2000 NPT Review, or to let the NWS rewrite the rules even more to their liking and convenience. They are needless concerns in every respect, however, since negotiation and adoption of a Nuclear Weapons Convention would mean the fulfillment of the NPT, not its abandonment. In fact, the most appropriate venue for discussing and

promoting the MNWC is the 2010 NPT Review Conference and the Preparatory Committee meetings leading up to it.

The timing for a real push to commence negotiations on a Nuclear Weapons Convention could not be better. In October 2007, the UN General Assembly passed — often by very large majorities — numerous nuclear disarmament resolutions recommended by the First Committee. Nearly all of those resolutions called for implementation of aspects of the MNWC and one, calling explicitly for the commencement of negotiations on a nuclear weapons convention, received yes votes from 127 countries. While no Nuclear Weapon State has yet voiced support for the MNWC, very prominent policy makers, politicians, and diplomats in the US and the UK have declared themselves abolitionists, stating that the goal of zero nuclear weapons must inform every incremental arms control and disarmament policy from now on. The MNWC is the embodiment of that goal. At least two presidential candidates in the US have said that, as President, they would initiate a process to rid the world of nuclear weapons. Clearly, the abolition of nuclear weapons through a Nuclear Weapons Convention is no longer the elusive goal it may once have seemed.

The NPT does not have to be set aside in order to pursue a nuclear weapons convention. Rather, the disarmament and non-proliferation provisions of the NPT are the foundation of the Convention, and every measure taken to strengthen compliance with the NPT is a building block of the Convention.

This is borne out by the outcome of the 1995 NPT Review and Extension

Conference, where Member States agreed to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons. In 2000, all the Parties to the Treaty, including the Nuclear Weapon States, committed themselves to an "unequivocal undertaking" to eliminate nuclear weapons, and endorsed 13 practical steps toward that end. Between those two Reviews, the International Court of Justice published an Advisory Opinion, concluding unanimously 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." This is a concise definition of the Nuclear Weapons Convention and the process (i.e., negotiations) for achieving it.

When the Model Nuclear Weapons Convention was first drafted in 1997 by NGOs comprising international lawyers, scientists, and physicians, it was taken into the UN system by Costa Rica and Malaysia, where it has served as the starting point for numerous working papers about the legal, technical, and political steps required to reach a nuclear weapons free world. A revised and updated draft of the MNWC was accepted as a discussion document (A/62/650) by the General Assembly in 2007. As Costa Rica and several co-authoring States pointed out in an early working paper, "Most States are ready for such comprehensive negotiations, as evidenced by strong support for United Nations resolutions calling on the Conference on Disarmament to 'commence negotiations on a phased programme of nuclear disarmament leading to the eventual elimination of nuclear weapons'."¹

In other words, paving the way toward the commencement of negotiations on a Nuclear Weapons Convention is actually part of the work of implementing the NPT, not a digression from it. For this reason, Costa Rica and Malaysia submitted a revised and updated draft of the MNWC as a working document of the 2010 NPT Review, during the 2007 PrepCom.

For all these reasons—the opportune timing, the complementarity of the NPT and the MNWC, and the fact that it is a natural and logical next step of work that has already been undertaken—the Model Nuclear Weapons Convention belongs on the agenda of both the 2008 NPT PrepCom and the Conference on Disarmament.

¹ [Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons: Legal, technical and political elements required for the establishment and maintenance of a nuclear weapon-free world. Working Paper submitted by Malaysia, Costa Rica, Bolivia, Democratic Republic of Timor-Leste, Nicaragua, and Yemen. 2005 Review Conference of the

Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. 18 May 2005. NPT/CONF.2005/WP.41]