
PROPOSED NUCLEAR WEAPONS CONVENTION
(NWC)

Status: Currently under discussion at the Conference on Disarmament and the United Nations

Background: During the Cold War, a number of initiatives sought to eliminate all nuclear weapons, some of the prominent ones being the Baruch Plan (1946), the Reagan-Gorbachev summit meeting in Reykjavik (1986), and Rajiv Gandhi's action plan presented to the UN General Assembly in 1988. At the time of their inception, none of these proposals bore fruit.

However, after the end of Cold War, the United Nations began to evaluate more seriously the feasibility of a Nuclear Weapons Convention. On 15 December 1994, the UN General Assembly adopted Resolution 49/45K that requested the International Court of Justice (ICJ) to render its opinion on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?" On 8 July 1996, the ICJ declared unanimously "there exists a legal obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its respects." (A/51/218) On 10 December of the same year, the UNGA adopted Resolution [A/RES/51/45M](#) "Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons."

In April 1997, a group of lawyers, scientists, physicians, former-diplomats and disarmament specialists and activists, drafted a model Nuclear Weapons Convention. This draft was submitted by Costa Rica to the United Nations as a discussion document. ([A/C.1/52/7](#))

The updated 2007 draft Nuclear Weapon Convention (NWC), submitted by Costa Rica and Malaysia, is modeled on the conventions concerning chemical and biological weapons as well as anti-personnel landmines. The Convention would supplement existing treaties such as the Nuclear Non-proliferation Treaty (NPT) and the Comprehensive Test Ban Treaty (CTBT).

Many States claim they are ready to begin negotiations on a NWC and governments and non-governmental organizations alike have expressed strong support.

Obligations: Under the 2007 model NWC, all States would be prohibited from pursuing or participating in the "development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons." Those States that possess nuclear weapons would be obligated to destroy their nuclear arsenals in a series of phases. These five phases would progress as follows: 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. Under the model convention, delivery vehicles would also have to be destroyed or converted to a non-nuclear capability. In addition, the NWC would prohibit the production of weapons-usable fissile material. The States Parties would also establish an Agency for the Prohibition of Nuclear Weapons that would be tasked with verification, ensuring compliance, decision-making, and providing a forum for consultation and cooperation among all State Parties. The Agency would be comprised of a Conference of State Parties, an Executive Council and a Technical Secretariat. Declarations would be required from all States Parties regarding all nuclear weapons, material, facilities, and delivery vehicles in their possession or control along with their locations.

Compliance: Under the 2007 model NWC, States Parties would be required to adopt legislative measures to provide for the prosecution of persons committing crimes and protection for persons reporting violations of the Convention. States would also be required to establish a national authority responsible for national tasks in implementation. The Convention would apply rights and obligations not only to the States Parties but also to individuals and legal entities. Legal disputes over the Convention could be referred to the ICJ with mutual consent of States Parties. The Agency would also have the ability to request an advisory opinion from the ICJ over a legal dispute. The Convention would also provide for a series of graduated responses to evidence of non-compliance beginning with consultation, clarification, and negotiation. If necessary, cases could be referred to the UN General Assembly and Security Council.

Developments:

2012: On 16 January, ICAN released a study entitled "[Towards a Treaty Banning Nuclear Weapons](#)." The document states that 146 nations have declared willingness to negotiate a new global disarmament pact. Four nuclear weapons states - China, India, Pakistan, and North Korea – were included in the group of 146.

On 12 January, the Bulletin of Atomic Scientists moved the Doomsday Clock, an indicator showing how capable mankind is of destroying itself, a minute closer to midnight. The group [cited](#) disarming the world of nuclear weapons as one of the contributing factors.

2011: On 24 January-1 August, the first session of the Conference on Disarmament discussed a NWC in the context of greater nuclear disarmament. Though many states expressed support for a NWC, debate on the issues was limited.

On 6 August, United Nations Secretary-General Ban Ki-Moon [addressed](#) the Hiroshima Peace Memorial Ceremony and reiterated his desire to move towards a world without nuclear weapons.

On 3 November, at The Peoples Forum in Mali, the participants issued the [Niono Appeal](#). The statement calls for the abolition of nuclear weapons and is against nuclear power in Africa.

2010: On 28 May, the state parties to NPT adopted the [Final Document of the 2010 NPT Review Conference](#). The document takes note of the proposal of the U.N. Secretary General to consider starting negotiations on an NWC. This was the first time an NPT Review Conference outcome document referred to a nuclear weapons convention.

In June, the International Campaign to Abolish Nuclear Weapons (ICAN) released a report reviewing the progress made towards a NWC at the 2010 NPT Review Conference. Called "[Towards Nuclear Abolition](#)," the document provides a detailed account of the deliberations on a NWC during the conference and lays out how the convention could work.

On 24 September, a high-level meeting on "Revitalizing the Conference on Disarmament and taking forward multilateral disarmament negotiations" was held at the United Nations in New York. A number of participants urged the CD to commence negotiations on an NWC.

In October, the First Committee (Disarmament and International Security) of the UN General Assembly adopted resolutions entitled "[Nuclear Disarmament](#)" (A/RES/65/56) and "[Towards a nuclear-weapon-free](#)

[world: Accelerating the implementation of nuclear disarmament commitments](#)" (A/RES/65/59). Both resolutions advocated the global and complete abolition of nuclear weapons and supported the negotiation of an NWC.

In November, ICAN released a report entitled "[The Case against Nuclear Weapons](#)." The document provides an update on the campaign's initiatives towards, and continued rationale for, an NWC.

2009:

On 5 April, President Barack Obama outlined a vision of "a world without nuclear weapons" in a [speech](#) delivered in Prague, Czech Republic. He also declared that the United States, as the only State to have used nuclear weapons, has a "moral responsibility" to lead the way.

At the NPT PrepCom, the first set of draft recommendations released on 7 May included examining "ways and means to commence negotiations, in accordance with article VI, on a convention or framework of agreements to achieve global nuclear disarmament." This proposal gained little traction with the NWS and was absent from subsequent drafts.

On 29 May, the Conference on Disarmament (CD) adopted a program of work for the first time in a decade. The program of work establishes a working group entitled "Cessation of the nuclear arms race and nuclear disarmament" that is tasked with exchanging "views and information on practical steps for progressive and systematic efforts to reduce nuclear weapons with the ultimate goal of their elimination, including on approaches toward potential future work of multilateral character."

On 24 September, the United Nations Security Council (UNSC) adopted [Resolution 1887](#). This Resolution, drafted by the United States, calls on all States Parties belonging to the NPT to "pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control." The Resolution also welcomes the nuclear arms reduction and disarmament efforts undertaken by the nuclear-weapon States, but underlines the "need to pursue further efforts in the sphere of nuclear disarmament."

In October, the First Committee (Disarmament and International Security) of the U.N. General Assembly adopted resolutions entitled "[Nuclear Disarmament](#)" (A/RES/ 64/53) and "[Towards a Nuclear-Weapon-Free World: Accelerating the Implementation of Nuclear Disarmament Commitments](#)" (A/RES/64/57)

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2008: On 24 October, UN secretary-general Ban Ki-moon addressed the East-West Institute at UN Headquarters in New York with a speech entitled “The United Nations and security in a nuclear-weapon-free world.” In this speech the Secretary-General proposed a [five-point plan](#) for nuclear disarmament and urged “the nuclear-weapon States, to fulfill their obligation under the [Nuclear Non-Proliferation] Treaty to undertake negotiations on effective measures leading to nuclear disarmament... They could pursue this goal by... negotiating a nuclear-weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations.”

Also on 24 October, the East-West Institute co-sponsored a workshop on “Seizing the Moment: A One-Day Consultation on Breakthrough Measures to Build a New East West Consensus on Weapons of Mass Destruction and Disarmament” with the Center for Nonproliferation Studies, the British-American Security Information Council, the Global Security Institute and the NGO Committee on Disarmament, Peace and Security. This strategy session focused on stimulating negotiations on a NWC, primarily addressing the questions of whether to adopt a “Big Bang” or an incremental approach to the negotiation of a NWC, as well as where and how this negotiation should occur.

2007: An updated model [Nuclear Weapons Convention](#) was created by the International Campaign to Abolish Nuclear Weapons (ICAN). In May, Costa Rica submitted the model Convention to the NPT PrepCom in Vienna (NPT/CONF.2010/PC.I/WP.17).

In early December, the governments of Costa Rica and Malaysia submitted the model NWC to the UN General Assembly, which was then circulated as an official document ([UN Doc A/62/650](#)) on 18 January 2008. On 5 December, the UN General Assembly adopted a resolution on the ["Follow-up on the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of nuclear Weapons."](#)

The 2007 model NWC takes into account relevant changes that have occurred since the drafting of the 1997 NWC. These include the proliferation of nuclear weapons to countries such as India, Pakistan and North Korea, technological developments in verification, new Nuclear Weapon Free Zones in Mongolia and Central Asia, and the criminal controls established through UNSC Resolution 1540.

2006: During the meeting of the UN General Assembly in December, 125 State Parties, including China, India, and Pakistan, called for “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.”

2005: On 11 October, during the thematic debate in the First Committee (Disarmament and International Security) India submitted a draft resolution calling for the CD to begin negotiations on a convention banning the use or threat of use of nuclear weapons. The preambular language suggested that this would be an important step towards achieving “an international convention prohibiting the development, production, stockpiling and use of nuclear weapons, leading to their ultimate destruction.”