SECURING A NUCLEAR WEAPON-FREE WORLD TODAY
Our Responsibility to Future Generations

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Appeal to World Leaders: Renew Our Hope for Our Shared Future

Booklet for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
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World Future Council

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Introduction

People from all over the world and from all parts of society have spoken out against nuclear weapons since their creation. Unfortunately, however, 65 years later these instruments of annihilation are still among us in great numbers. As the "voice of future generations," the WFC seeks to neutralize the existential threat these weapons pose, so that coming generations can enjoy their right to life, liberty and security of person in a world free of nuclear weapons.

For that purpose the WFC has set up a Disarmament Working Group, bringing together experts from all over the world. The Working Group is chaired by WFC Councilor David Krieger and includes fellow WFC Councilors Hafsat Abiola-Costello, Hans-Peter Dürr, Riane Eisler, Rama Mani, Count Hans-Christof von Sponeck, Pauline Tangiora, and Judge C.G. Weeramantry. The WFC Councilors are complemented by a number of external advisors, including Reiner Braun, Neshan Gunasekera, Prof. Dr. Martin Kalinowski, Vijay Mehta, Prof. Dr. Jürgen Scheffran, Alyn Ware and Rick Wayman. WFC staff members Jakob von Uexkull, Alexandra Wandel, Holger Güssefeld and Rob van Riet coordinate and contribute to the work of the Working Group. All these individuals bring their own expertise and experience to the table.

The WFC will not replicate the work of the many organizations already in this field, but will bring complementary value to these efforts. Effectively, this means bringing stakeholders together, working with policy makers and mobilizing support around specific policies. In addition, by drawing on its cross-cultural and cross-sectoral expertise, the WFC takes an integrated approach by exploring the linkages between nuclear disarmament and issues like environmental protection, democracy, education, human rights and development.

This Booklet is the first result of the fruitful cooperation within the Disarmament Working Group. Although it has been specifically released for the 2010 Non-Proliferation Treaty Review Conference, as long as nuclear weapons exist, its message will remain valid: securing a nuclear weapon-free world today is our responsibility to future generations.

The call for the abolition of nuclear weapons is not new. It is all the more telling that it still needs to be made.

It is time to heed the call.

The world is at a turning point – nuclear disarmament is back on the global agenda.
We must grab this chance to secure our future.

- Ban Ki-moon, UN Secretary-General

The unleashed power of the atom has changed everything save our modes of thinking,
and thus we drift toward unparalleled catastrophe.

- Albert Einstein (1879-1955)

[A]s the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act ... [T]he United States will take concrete steps
towards a world without nuclear weapons.

- Barack Obama, US President

What the Hiroshima survivors are telling us is that no one else should ever go through the experience they suffered. An atomic bombing creates a
living hell on Earth where the living envy the dead.

- Tadatoshi Akiba, Mayor of Hiroshima

MOVING FROM OMNICIDE TO ABOLITION

David Krieger*

Nuclear weapons present humankind with an immense challenge, one far greater than most people understand. Many people realize, of course, that nuclear weapons are dangerous and deadly, and that in the past they were used to destroy the cities of Hiroshima and Nagasaki, with a single weapon demolishing each city. But few people have grappled with the proposition that these weapons are omnicidal; they go beyond suicide and genocide to omnicide, the death of all.

In a cataclysmic strike, resulting in the destruction of present life forms on the planet, these weapons would also obliterate the past and future, destroying both human memory and possibility. They would obliterate every sacred part of being, leaving vast ruin and emptiness where once life, love, friendship, decency, hope and beauty had existed.

For those who are not sufficiently moved by the threat of omnicide posed by nuclear weapons and require further convincing, additional reasons for abolishing these weapons include the following:

- They are long-distance killing devices incapable of discriminating between soldiers and civilians, the aged and the newly born, or between men, women and children.
- They threaten the destruction of cities, countries and civilization; of all that is sacred, of all that is human, of all that exists.
- They threaten to foreclose the future, negating our common responsibility to future generations.
- They make cowards of their possessors, and in their use there can be no decency or honor.
- They divide the world's nations into nuclear haves and have-nots, bestowing false and unwarranted prestige and privilege on those that possess them.
- They are a distortion of science and technology, siphoning off our scientific and technological resources and twisting our knowledge of nature to destructive purposes.
- They mock international law, displacing it with an allegiance to raw power.
- They waste our resources on the development of instruments of annihilation. The United States alone has spent over $7.5 trillion on nuclear weapons and their delivery systems since the onset of the Nuclear Age.
- They concentrate power in the hands of a small group of individuals and, in doing so, undermine democracy. They give over to a few individuals, usually men, greater power of annihilation than at any previous time in history.
- They are morally abhorrent, as recognized by virtually every religious organization, and their mere existence corrupts our humanity. If we are willing to tolerate these weapons and their indiscriminate power of annihilation, then who are we? What do these weapons say about our humanity, our human decency?

Deterrence is also widely understood to be ineffective against non-state actors, such as extremist groups, which cannot be located and whose members are suicidal. In other words, deterrence may fail, and such failure would be catastrophic.

Despite the omnicidal capacity of nuclear weapons and other arguments for abolition, leaders of a small number of countries continue to maintain and develop nuclear arsenals and rely upon these weapons for national security. They justify this reliance on the basis of nuclear deterrence, arguing that the weapons prevent war by the threat of retaliation with overwhelming destructive force. This argument has many flaws, the most important being that deterrence is only a theory and is subject to human fallibility.

Deterrence theory posits rational decision makers, but it is highly unlikely that all political leaders will act rationally at all times, particularly under conditions of high stress. Deterrence is also widely understood to be ineffective against non-state actors, such as extremist groups, which cannot be located and whose members are suicidal. In other words, deterrence may fail, and such failure would be catastrophic.

Unfortunately, leaders of the major nuclear weapon states are continuing to drag their feet on nuclear disarmament, sometimes rhetorically expressing the vision of a nuclear weapon-free world, but resisting serious actions toward the abolition of their arsenals that would provide assurance of their commitment. For example, in his much heralded Prague speech in April 2009, President Obama said, "I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons." But he quickly followed this visionary statement with a lowering of expectations. "I'm not naïve," he said. "This goal will not be reached quickly – perhaps not in my lifetime. It will take patience and persistence."

President Obama is a relatively young man, who is likely to have a long life. He is to be commended for his vision of a nuclear weapon-free world, but his lack of urgency in seeking the elimination of nuclear weapons opens the door to the further proliferation of nuclear weapons and their potential use. There are still some 23,000 nuclear weapons in the world, far more than are needed to end civilization, the human species and other forms of complex life on the planet.

If climate change is an "inconvenient truth," as Al Gore argues, then the potentially omnicidal consequences of nuclear weapons are an even more critical inconvenient truth. Perhaps the greatest contemporary challenge confronting humanity in the 21st century is urgently ending the nuclear weapons era.

The next major international event at which the subject of nuclear weapons will be before the international community is the 2010 Non-Proliferation Treaty Review Conference, which will take place in May this year. This treaty calls for both nuclear non-proliferation and disarmament. In their deliberations, the states parties to the treaty should bear in mind the following points in seeking a comprehensive solution to the omnicidal threat of nuclear weapons:

- Nuclear weapons continue to present a real and present danger to humanity and other life on Earth.
- Basing the security of one's country on the threat to kill tens of millions of innocent people, perhaps billions, and risking the destruction of civilization, has no moral justification and deserves the strongest condemnation.
- It will not be possible to prevent proliferation of nuclear weapons without fulfilling existing legal obligations for total nuclear disarmament.
- Preventing nuclear proliferation and achieving nuclear disarmament will both be made far more difficult, if not impossible, by expanding nuclear energy facilities throughout the world.
- Putting the world on track for eliminating the existential threat posed by nuclear weapons will require new ways of thinking about this overarching danger to present and future generations.

The World Future Council supports the following five priority actions for agreement at the 2010 NPT Review Conference, as enunciated by the Nuclear Age Peace Foundation:

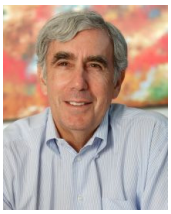
1. Each signatory nuclear weapon state should provide an accurate public accounting of its nuclear arsenal, conduct a public environmental and human assessment of its potential use, and devise and make public a roadmap for going to zero nuclear weapons.
2. All signatory nuclear weapon states should reduce the role of nuclear weapons in their security policies by taking all nuclear forces off high-alert status, pledging No First Use of nuclear weapons against other nuclear weapon states and No Use against non-nuclear weapon states.
3. All enriched uranium and reprocessed plutonium – military and civilian – and their production facilities (including all uranium enrichment and plutonium separation technology) should be placed under strict and effective international safeguards.
4. All signatory states should review Article IV of the NPT, promoting the "inalienable right" to nuclear energy for peaceful purposes, in light of the nuclear proliferation problems posed by nuclear electricity generation.
5. All signatory states should comply with Article VI of the NPT, reinforced and clarified by the 1996 World Court Advisory Opinion, by commencing negotiations in good faith on a Nuclear Weapons Convention for the phased, verifiable, irreversible and transparent elimination of nuclear weapons, and complete these negotiations by the year 2015.

The most important action at the 2010 NPT Review Conference would be an agreement to com-

mence good faith negotiations for a Nuclear Weapons Convention. Such an agreement would demonstrate the needed political will among the world's countries to move forward toward a world without nuclear weapons. If the United States fails to lead in convening these negotiations, I would urge Japan to do so. Regardless of which countries provide the leadership, however, I would propose that the opening session of these negotiations be held in Hiroshima, the first city to have suffered nuclear devastation, and the final session of these negotiations be held in Nagasaki, the second and, hopefully, last city to have suffered atomic devastation.

If agreement could be reached to begin these negotiations for a new treaty, a Nuclear Weapons Convention, we would be on a serious path toward a nuclear weapon-free world, one that would allow the *hibakusha* of Hiroshima and Nagasaki to know that their pleas have been heard.

If climate change is an "inconvenient truth," as Al Gore argues, then the potentially omnicidal consequences of nuclear weapons are an even more critical inconvenient truth. Perhaps the greatest contemporary challenge confronting humanity in the 21st century is urgently ending the nuclear weapons era. To move from omnicide to abolition will require a major outpouring of support from people everywhere. The task cannot be left to political leaders alone. Without a strong foundation of public support, political leaders are unlikely to be courageous and persistent in seeking to achieve a world free of nuclear weapons. Ordinary citizens must overcome their disempowerment and propensity to defer to experts in order to act for the benefit of all humankind and demand the change they seek, in this case the abolition of nuclear weapons.



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He is also the author of the 2010 NAPF Briefing Booklet, "Nuclear Non-Proliferation and Disarmament: Shifting the Mindset."

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TEN REASONS FOR A NUCLEAR WEAPONS CONVENTION

Jürgen Scheffran*

The Non-Proliferation Treaty (NPT) has lost much of its forcefulness and credibility over the years. More generally, the current disarmament and non-proliferation framework does not provide a way towards the global abolition of nuclear weapons.

However, there seems to be renewed political will for nuclear disarmament; not least among the two major nuclear powers. Developments, such as the new US-Russian Strategic Arms Reduction Treaty (START) and the new US Nuclear Posture Review, point toward the Nuclear Age being at a turning point.

This new thinking must be accompanied by the necessary global institutional framework. A Nuclear Weapons Convention (NWC) can provide just that. This article lists 10 reasons why a NWC is needed to provide a path to a world free of nuclear weapons.

By keeping their nuclear arsenals, the nuclear weapon states give a bad precedent that drives the proliferation of nuclear know-how and technology. In the past three decades, four countries (Israel, India, Pakistan, North Korea) built nuclear weapons.

1. The continued risks of nuclear war are unacceptable.

Two decades after the Cold War, more than 20,000 nuclear weapons still exist. This poses an existential threat to humanity. One atomic bomb can destroy a whole city and kill hundreds of thousands of people. The explosion of a few hundred nuclear weapons may lead to a dramatic cooling on a global scale, threatening food supply for billions of people. Hundreds of tons of nuclear-weapons materials pose permanent risks to human health and the environment. Nothing can justify the nuclear overkill capabilities.

2. The nuclear arms race must be ended.

By keeping their nuclear arsenals, the nuclear weapon states give a bad precedent that drives the proliferation of nuclear know-how and technology. In the past three decades, four countries (Israel, India, Pakistan, North Korea) built nuclear weapons. Others like Iran are establishing a nuclear fuel cycle that provides capabilities for the bomb. The missing legal ban on nuclear weapons complicates efforts to prevent states and terrorists from acquiring nuclear weapons. Nuclear weapons development, missile defense systems and counter-proliferation spur the arms race.

3. The current disarmament and non-proliferation regime is insufficient.

The existing disarmament and non-proliferation regime (including the NPT, the Intermediate-Range Nuclear Forces (INF) Treaty and Strategic Arms Reduction Treaties (START), the Comprehensive Test Ban Treaty and nuclear-weapon-free zones) slowed down the spread and development of nuclear weapons and made cuts in the nuclear arsenals possible, but does not present a path towards a nuclear weapon-free world. The effectiveness of the NPT is undermined by the privileges of the nuclear weapon states and the spread of civilian nuclear technology, which contributes to the proliferation of nuclear weapons. Moreover, it is fairly easy for states to opt out of the treaty when it either fails to serve its purpose to them or becomes too inconvenient. The textbook example in this regard is North Korea, which withdrew from the NPT after it had acquired the technology for developing a nuclear weapon. This occurred under the treaty's provisions for the transfer of nuclear technology and materials to NPT signatory countries for the development of civilian nuclear energy programs. Finally, the nuclear weapons states have not fulfilled their disarmament promises in Article VI of the NPT.

4. The elimination of the nuclear threat requires a comprehensive and universal legal norm.

The nuclear threat can only be removed irreversibly and sustainably by the systematic and complete elimination of all nuclear weapons. According to the 1996 advisory opinion of the International Court of Justice, there is the "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." To minimize the risks, the transformation to a nuclear weapon-free world requires a comprehensive and universal norm, resting on multilateral negotiations and a comprehensive legal agreement.

5. A Nuclear Weapons Convention would complete the ban of all weapons of mass destruction.

A NWC is a logical and politically appealing instrument to complete the ban of all weapons of mass destruction, in addition to the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC). It defines a legal framework for the ban and elimination of all nuclear weapons, prevention of nuclear weapons production, the control of nuclear weapons materials and associated verification measures, as well as the rights and duties of states and citizens. Concrete measures and steps are designed to realize the transformation into the nuclear weapon-free world.

The NWC would not only remove nuclear weapons but also the main incentives for their development, providing security gains for the whole world.

6. The Model Nuclear Weapons Convention demonstrates the feasibility of a nuclear weapon-free world.

In April 1997, an international consortium of experts in law, science, health and disarmament presented a Model Nuclear Weapons Convention (Model NWC) which in the same year was submitted by Costa Rica as an official UN document and was published in 1999 in the book "Security and Survival" by the non-governmental organizations IPPNW, IALANA and INESAP. In 2007 both the Model NWC and the book were updated and re-launched as part of the International Campaign to Abolish Nuclear Weapons (ICAN). The main purposes of the model NWC are to show that the abolition of nuclear weapons is feasible and to inspire discussions and negotiations on a comprehensive treaty. It contains provisions on the ban and elimination of the components, materials and infrastructure of nuclear weapons and proposes phases for implementation.

7. Support for the abolition of nuclear weapons and the NWC is growing.

In April 2009, US President Obama declared his intention to "seek the peace and security of a world without nuclear weapons". This goal is shared by the majority of people in many countries, by former military and political leaders, by most governments and by the UN Security Council. Studies by the Weapons of Mass Destruction Commission, the International Commission on Nuclear Non-Proliferation and Disarmament and the Stimson Center seriously consider a comprehensive agreement for a nuclear weapon-free world. Barry Blechman writes in *The New York Times*: "A comprehensive agreement for phased, verified reductions to nuclear zero is not only feasible, but far less risky than the ineffective path we have been on for so long." Since 1996 a majority of States has voted for "commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention", including four countries with nuclear weapons (China, India, Pakistan and North Korea). Support for the NWC comes from numerous civil society groups, the Australian Senate, New Zealand's Parliament, the European Parliament, members of the US Congress, the British House of Commons and the German Parliament. The UN Secretary-General has mentioned the NWC as the first point in his five-point plan for a nuclear weapon-free world.

8. NWC negotiations could serve as an umbrella to integrate the steps on the path to zero nuclear weapons.

Negotiations on the NWC could integrate and balance future non-proliferation and disarmament measures into a common legal architecture. Building blocks could be negotiated under the NWC umbrella in separate negotiation fora. These could include: taking nuclear forces off alert; removal of warheads from delivery vehicles; ending deployment of non-strategic weapons; further reductions in US-Russian nuclear arsenals; no-first-use of nuclear weapons and other security guarantees; new nuclear weapon-free zones; a ban on nuclear weapons materials; restrictions on nuclear weapons development; and the closure and conversion of facilities. To get started, a group of like-minded states could convene a preparatory conference to explore the options, begin practical work and build political momentum for preparing NWC negotiations to be concluded before 2020.

9. A Nuclear Weapons Convention is verifiable.

The NWC requires verification measures that discover clandestine activities and increase transparency and confidence in nuclear disarmament. Various objects and activities are to be monitored, from testing of components to destruction of warheads, delivery systems and materials. Some of the activities are easily detectable (nuclear explosions), others require considerable verification efforts (hidden warheads). Verification measures include remote sensing in various spectral ranges; seismic, radiological, hydroaccoustic and infrasound detectors; onsite sensors; overflights, inspections and preventive controls. Environmental monitoring of nuclear decay products provides unique fingerprints. Nuclear archeology helps to reconstruct previous nuclear activities. Social verification, confidence-building and institutional mechanisms strengthen the societal context of verification.

10. The NWC strengthens cooperative security.

The NWC would not only remove nuclear weapons but also the main incentives for their development, providing security gains for the whole world. This would create a cooperative international security environment that discourages noncompliance by limiting the usability of nuclear weapons capabilities and imposing inacceptable risks of non-compliance by determined action of the international community. The abolition of nuclear weapons would improve the conditions for a more peaceful world order in which governments and civil society face global challenges including energy, environmental destruction, climate change, hunger, poverty and violence. This article has identified 10 reasons why a Nuclear Weapons Convention is crucial in achieving a nuclear weapon-free world. Although the reasons discussed are among the most compelling, they are by no means exhaustive.

2010 is already promising to be an important year for nuclear disarmament efforts. A successful NPT Review Conference could make it a turning point in the Nuclear Age. This would require States Parties to agree on starting preparatory work on a NWC. This way, when the NPT Review Conference ends, the building blocks to go further will be there.

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After his physics PhD at Marburg University he worked in the IANUS Research Group of Technical University Darmstadt, at the Potsdam Institute for Climate Impact Research, and as Visiting Professor at the University of Paris (Sorbonne).

Prof. Dr. Scheffran served as advisor to the United Nations, the Technology Assessment Bureau of the German Parliament, the Federal Environmental Agency, and he took part in NPT conferences and climate negotiations.

He is co-founder of the International Network of Engineers and Scientists Against Proliferation (INESAP), one of the principal drafters of the Model Nuclear Weapons Convention and co-author of the book "Securing Our Survival: The case for a Nuclear Weapons Convention."

A WAY TO BRIDGE THE GAP

The NPT and a NWC Preparatory Process

Alyn Ware*

Introduction

On United Nations Day 24 October 2008, UN Secretary-General Ban Ki-moon released a five-point plan for nuclear disarmament, in which he called on governments to fulfill their NPT nuclear disarmament obligations through negotiating a comprehensive nuclear weapons convention (NWC) or package of agreements to prohibit and eliminate nuclear weapons. Mr. Ban also indicated a number of other disarmament steps that should be taken in order to support such negotiations and help secure a nuclear weapon-free world.

Since then, governments have taken some of the steps outlined in Mr. Ban's five-point plan. This includes negotiations between the US and Russia on stockpile reductions, commencement of discussions in the UN Security Council on nuclear disarmament, entry-into-force of the African & Central Asian nuclear-weapon-free zones, and holding a Summit on Nuclear Security. In addition, an informal process of communication and collaboration between like-minded governments supporting the UN Secretary-General's five-point plan has begun.

However, a key question for governments is when to implement Ban Ki-moon's principal recommendation to commence negotiations on a NWC package of agreements.

A majority of governments have supported United Nations resolutions calling for the immediate commencement of NWC negotiations. This includes some of the countries that possess nuclear weapons: China, India, Pakistan and North Korea. On the other hand, there are key countries; most notably the other Nuclear Weapon States (NWS) and many of the countries in extended nuclear deterrence relationships with the United States – that express opposition to such negotiations, claiming that there are initial steps and fundamental security issues that must be addressed before such negotiations could start.

Many analysts, including some writing in this booklet, argue that these initial steps and security issues would be best dealt with in the context of comprehensive negotiations. They find support from prestigious commissions such as the Blix Commission and the International Commission on Nuclear Non-proliferation and Disarmament (ICNND). They indicate that a comprehensive approach – such as work on a Nuclear Weapons Convention – must be done in conjunction with work on initial disarmament steps to ensure that such steps can be universally acceptable and thus will succeed. Without a comprehensive approach being undertaken alongside initial steps, those countries prejudiced by the initial steps because of their differing nuclear capabilities will resist or refuse to join. This message was emphasized by political realist Henry Kissinger speaking at the launch of Ban Ki-moon's five point plan.

The Hoover Institute argues that a vision of a nuclear weapon-free world is required to guide disarmament negotiations, but that such a vision is like a tall mountain that is still covered in clouds. Exploratory work on a Nuclear Weapons Convention will help remove those clouds to bring a clearer and common view of the peak.

There is a remote possibility that the States Parties to the NPT will agree with this approach. However, it is more likely that some key states will continue to reject this call and that the NPT Review Conference, which works by consensus, will be unable to agree to commence such negotiations.

A more feasible aim for the NPT Review Conference is to persuade the States Parties to agree to a Preparatory Process for a NWC (or package of agreements). Such a process would open the door to practical work on initial steps in a comprehensive framework without states having to commit themselves to any additional agreements or treaty obligations until they are ready to do so. It would also provide a process for dealing with security issues that are preventing the start of actual negotiations and causing some States to continue relying on nuclear weapons for their security.

Possibilities for preparatory work

A number of governments and think-tanks have indicated possibilities for preparatory work on elements for a nuclear weapon-free regime. Types of preparatory work proposed include: exploratory, mapping, building-block development & implementation, and security-building.

a) Exploratory

Working paper 41 submitted to the 2005 NPT Review Conference by Costa Rica and Malaysia, calls for the exploration of the legal, technical, institutional and political elements required to achieve and maintain a nuclear weapon-free world; such exploration being guided by the Model Nuclear Weapons Convention (Model NWC). The paper also proposes that States Parties undertake an analysis of which of these elements already exist, whether they need to be improved or enhanced, and how they could be integrated into a comprehensive nuclear abolition regime.

The ICNND supports this approach noting that:

> *"It is not too early to start now on further refining and developing the concepts in the model NWC, making its provisions as workable and realistic as possible, and building support for them. We recommend, accordingly, that interested governments support with appropriate resources the further development of the NWC."*

A value of such work is that it helps to build a clearer vision of what elements will be required to achieve a nuclear weapon-free world and how these elements can be developed. The Hoover Institute argues that a vision of a nuclear weapon-free world is required to guide disarmament negotiations, but that such a vision is like a tall mountain that is still covered in clouds. Exploratory work on a Nuclear Weapons Convention will help remove those clouds to bring a clearer and common view of the peak.

Working paper 41 identifies a number of areas in which exploratory work would be useful. These include the legal obligations of states and citizens in a nuclear weapon-free regime, control mechanisms required for the protection and accounting of nuclear weapons and fissile material holdings, phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles, mechanisms for verifying the destruction of all nuclear weapons, mechanisms for ensuring compliance, and the political and societal mechanisms required to support a nuclear weapon-free regime.

b) Mapping

Mapping activities go beyond exploration and involve formulating objectives and making commitments. The WMD Commission outlines some mapping activities that could be undertaken:

> *"All states possessing nuclear weapons should commence planning for security without nuclear weapons. They should start preparing for the outlawing of nuclear weapons through joint practical and incremental measures that include definitions, benchmarks and transparency requirements for nuclear disarmament."* (Recommendation 30)

Mapping activities do not need to be confined to the states possessing nuclear weapons. Non-Nuclear Weapon States (Non-NWS) that are currently covered by extended nuclear deterrence could undertake a mapping process of progressive steps to lower the role of nuclear weapons in their security doctrines pending negotiations for a NWC.

Mapping activities do not need to be confined to the states possessing nuclear weapons. Non-Nuclear Weapon States (Non-NWS) that are currently covered by extended nuclear deterrence could undertake a mapping process of progressive steps to lower the role of nuclear weapons in their security doctrines pending negotiations for a NWC.

c) Building-block development & implementation

Exploratory and mapping work could identify steps that can be developed and implemented prior to the commencement of negotiations on a Nuclear Weapons Convention. These could include:

i) *Verification mechanisms*

There are already a number of verification mechanisms for non-proliferation and disarmament including the IAEA safeguards, Comprehensive Test Ban Treaty verification regime, and the Intermediate Nuclear Forces and START verification systems. Verification for the complete abolition and prohibition of nuclear weapons will need to build on these and include additional measures and mechanisms. Some of these will require the participation of the NWS to complete. However, there is a lot of preparatory work that

could be done by non-NWS to build multilateral capacity for verification. This could include the development of remote-sensing capacity (such as satellite surveillance), information sharing, and the application/extension of existing non-proliferation and border control technology to nuclear disarmament tasks.

ii) *Compliance*
Confidence in compliance of a nuclear weapon-free regime will likely require a mix of treaty-based and universal-norm-based measures. States will need to be assured that the basic obligations of the NWC will apply universally even if other states have not ratified the convention. The role of the UN Security Council will be important. Preparatory work can be undertaken in the Security Council on building a nuclear disarmament norm and ensuring compliance with this. UNSC Resolutions 1540 and 1887 could be seen as contributing to this process.

iii) *National prohibition measures*
Non-NWS could review the basic obligations and the national implementation measures in the Model NWC and consider implementing some of these even prior to the commencement of negotiations on a NWC. This could include, for example, prohibiting and criminalizing the threat or use of nuclear weapons in national law and applying this law extra-territorially. (Note: Some countries have already done this). Such actions would strengthen the legal norm against nuclear weapons, highlight the aspiration for such prohibition to occur globally under a NWC, and increase the political momentum for negotiations to achieve global prohibition.

States will need to be assured that the basic obligations of the NWC will apply universally even if other States have not ratified the convention. The role of the UN Security Council will be important. Preparatory work can be undertaken in the Security Council on building a nuclear disarmament norm and ensuring compliance with this. UNSC Resolutions 1540 and 1887 could be seen as contributing to this process.

d) Security building

The ICNND identified a number of security concerns that prevent the NWS from moving ahead quickly or comprehensively on implementing their nuclear disarmament obligations. Some of these security concerns may be exaggerated, irrelevant to the new political realities or merely hiding the actual – but indefensible – reasons for some states to hold onto nuclear weapons, such as the discriminatory power and privilege afforded by them, or the close links between governments and the self-interested nuclear weapons corporations. However, there are legitimate security concerns that give rise to nuclear weapons possession. Such security concerns must be acknowledged even by those who believe that the weapons themselves are illegitimate.

The political commitment to commence negotiations on a NWC would be enhanced by preparatory work on those security issues. This may require additional elements than those currently included in the Model NWC. Or it may be that an increased political and public attention to the elements already proposed in the Model NWC would help alleviate concerns and build political momentum. The key is to consider such security issues not in a vacuum – as happens too frequently – but to place them in the context of preparatory work for a NWC and a nuclear weapon-free world.

Preparatory conference(s) for a NWC

Preparatory work towards a NWC could be enhanced by the holding of a high level preparatory conference, or a series of such conferences, which would give additional impetus to the preparatory work being undertaken and build political momentum for the commencement of actual negotiations. Preparatory conferences were very helpful, for example, in paving the way for negotiations on the Cluster Munitions Treaty, especially in building commitment by key states to join the negotiations. Nuclear weapons are unique, and special attention will need to be given to the best way to engage the Nuclear Weapon States in such preparatory conferences. Such considerations could be part of the preparatory work conducted by a group of like-minded states working to advance the NWC.

Proposal to the 2010 NPT Review Conference

States Parties to the NPT should be encouraged to agree to establish a preparatory process for a Nuclear Weapons Convention or package of agreements. They could task the management of

this process to the like-minded group of countries coalescing around the UN Secretary-General's five point plan, or to a smaller group of countries that come forward at the 2010 NPT Review Conference. A key to its success would be to ensure engagement of Nuclear Weapon States, Non-NWS and states outside the NPT in the preparatory process. The full mechanics of this would not have to be determined at the Review Conference.

***Alyn Ware** has led key initiatives for peace education and nuclear abolition in New Zealand and internationally over the past 25 years.*

He has served as an adviser to the NZ government and the UN on disarmament education and was active in the campaign that prohibited nuclear weapons in New Zealand, before serving as the World Court Project UN Coordinator which achieved a historic ruling from the World Court on the illegality of nuclear weapons.

Mr. Ware is a Consultant for the International Association of Lawyers Against Nuclear Arms (IALANA), member of the Middle Powers Initiative and Global Coordinator of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND).

He was a drafting coordinator for the Model Nuclear Weapons Convention and co-author of "Securing Our Survival: The case for a Nuclear Weapons Convention."

Mr. Ware is the recipient of the 1996 UN International Year of Peace (New Zealand) Prize and the 2009 Right Livelihood Award (Alternative Nobel Prize).

THE TIME TO ACT IS NOW

Judge C.G. Weeramantry*

URGENCY

No international obligation has greater urgency than the obligation to eliminate nuclear weapons. This booklet has set out several reasons for fulfilling this obligation now. As long as we fail to do so, the reality is that any day we might awaken to the news that a nuclear weapon has exploded somewhere, whether by accident or by design.

Any nation which does not take the steps to fulfil its obligation to rid the world of nuclear weapons cannot claim any longer to be concerned with human welfare and the human future.

It has been our singular good fortune to avoid this dire scenario thus far. If such a situation should occur, however, it would quite clearly be the direct result of the irresponsibility of nuclear powers in not complying with their basic obligations under international law.

Never in the history of humanity has such urgency existed in relation to any issue and never were the consequences so devastating to the human future and to all that we hold dear. The danger grows not from year to year or from month to month but from day to day. We cannot act any longer on the myth that the nuclear weapon has protected us from global war. This is rather the high road to global destruction at any moment and it is the road we take if the NPT negotiations end in failure.

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BETRAYAL

Failure to bring the NPT conference to a successful conclusion would be a total betrayal of responsibilities owed to the community of states, the global population and the generations yet to come. It would be a betrayal of legal obligations, of moral obligations and of express undertakings given to the international community.

In addition, more than six billion of the world's 6.8 billion people are adherents of the different world religions. Support of the nuclear bomb with its potential to destroy all civilizations and all the values we cherish, is a gross betrayal of the basic teachings of every religion. Every one of them is categorically opposed to the use of weapons that cause cruel and unnecessary suffering. No government in the world can afford to be guilty of this fundamental breach of the teachings to which the bulk of its people are committed.

Such conduct is also an absolute betrayal of every concept on which international humanitarian law is based. This is the living law and represents the high water mark of legal achievement in the difficult task of imposing some restraints on the brutalities of unbridled war. It has been forged by the community of nations under the impact of the sufferings of untold millions in two global cataclysms and many smaller wars. As with all legal principles, it governs without distinction all nations great and small. Retaining a nuclear weapon arsenal is a flagrant violation of these rules and a betrayal of the duties owed by powerful states to the entire world community.

Any use of nuclear weapons is also a complete betrayal of the duties we owe to future generations. The adverse effects on the environment would last for multiples of 24,000 years, which is the half life of just one of the residual elements of a nuclear explosion. Other adverse effects will cause birth defects and horrible deformities for several generations. A nuclear winter destroying all food crops and causing famine on a worldwide basis would be the inevitable consequence of nuclear war. Creating all this peril to the entire human race is the greatest betrayal of humanity that can possibly be imagined.

The retention of nuclear weapons is also in utter contradiction of the unanimous pronouncement of the International Court of Justice, which categorically lays down the obligation of every nuclear power to take meaningful steps to eliminate their

nuclear arsenals. No higher pronouncement of an international law obligation is possible than such a unanimous opinion of the world's principal international tribunal. It would be a sad example to the entire world community and a gross betrayal of international obligations if this pronouncement should be ignored, particularly by the world's leading powers.

Any nation that does not take the steps to fulfil its obligation to rid the world of nuclear weapons cannot claim any longer to be concerned with human welfare and the human future. No state would want to be so regarded by the world community and to incur the further opprobrium of having been a party to the destruction of human civilization.

In short, failure to bring these negotiations to a successful conclusion would be a betrayal of all the values we cherish and of all that human civilization has built up through millennia of effort and sacrifice.

***Judge C.G. Weeramantry** has had an exceptionally varied career as lawyer, legal educator, domestic judge, international arbitrator and international judge.*

He has written over 20 books and 200 articles on numerous matters of worldwide importance; e.g. nuclear weapons, apartheid, cross cultural dialogue, law and religion, religious misunderstanding, post-colonial problems, environmental exploitation, domestic human rights violations, international conflict resolution, universalizing international law, peace education in schools, ethical codes for the judiciary.

Judge Weeramantry is President of the International Association of Lawyers Against Nuclear Arms (IALANA). He is founder of the Weeramantry International Centre for Peace Education and Research (WICPER) and a Councilor on the World Future Council.

Judge Weeramantry has won numerous awards, including the Mohamed Sahabdeen Award for Interternational Understanding in the SAARC region, the 2006 UNESCO Prize for Peace Education and the 2007 Right Livelihood Award (Alternative Nobel Prize) "for his lifetime of groundbreaking work to strengthen and expand the rule of International Law."

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The World Future Council

The World Future Council (WFC) is a new voice in the political arena – one that draws on our shared human values to champion the rights of future generations, and which seeks to ensure that humanity acts now for a sustainable future.

The Council unites fifty highly respected figures from across the globe, and from all walks of life to create a reliable global institution that works to close the gaps between what is considered politically feasible and what is actually necessary to secure our common future.

In order to bring about such major changes we have to build movements. This means that we have to work in partnership with others, rather than working in parallel; and build on existing knowledge and expertise, rather than trying to reinvent the wheel.

The WFC acts as a catalyst for change: working closely with parliamentarians, civil society groups and experts worldwide, it identifies best practices and policies and spreads this knowledge through global campaigns involving parliamentary hearings, legislative assistance, tailored mailings, and events. Its website will become a multimedia clearinghouse on policies and strategies to change the world.

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Appeal to World Leaders

Renew Our Hope for Our Shared Future

We assert our deep desire, our firm commitment, and our inalienable right to live in harmony with each other and with nature's laws of connectedness and interdependence.

We call upon you to realize how past decisions and actions have threatened our common future and have left us surrounded by an unjust and destructive legacy.

Still, we believe that humanity can rise to its highest ideals and change course to create the just and peaceful future we know is possible.

We trust you will fulfill your obligations to us and future generations by:

- Committing to abolish nuclear weapons and all weapons of mass destruction.
- Resolving conflicts without resort to military force, and ending the arms trade.
- Redirecting resources from militarism to human and ecological security.
- Restoring the health of our Earth and ending the exploitation of her non-renewable resources.
- Upholding human rights and the dignity of all individuals, and fulfilling your responsibilities under international law.

We urge you as world leaders to fulfill your duty as guardians of our unique, beautiful and endangered Earth. Renew our hope for our shared future.

Signed by the World Future Councilors of the Disarmament Working Group:

Hafsat Abiola-Costello
Hans-Peter Dürr
Riane Eisler
David Krieger
Rama Mani
Count Hans-Christof von Sponeck
Pauline Tangiora
Judge C.G. Weeramantry