

INTERNATIONAL COURT OF JUSTICE

**OBLIGATIONS CONCERNING NEGOTIATIONS RELATING TO
CESSATION OF THE NUCLEAR ARMS RACE AND TO NUCLEAR
DISARMAMENT
(Marshall Islands v. United Kingdom)**

**ANNEXES
TO
MEMORIAL
OF
THE MARSHALL ISLANDS**

Volume II

16 March 2015

ANNEX 44 – R. Norton-Taylor, “Trident more effective with US arming device, tests suggest”, *The Guardian*, 6 April 2011,
<http://www.theguardian.com/uk/2011/apr/06/trident-us-arming-system-test>

Trident more effective with US arming device, tests suggest L...

<http://www.theguardian.com/uk/2011/apr/06/trident-us-arming...>

reinforcing our technical, political and financial nuclear dependency and a fuzzy, at best, notion of being an independent nuclear power.” A new US arming, fusing, and firing system that controls the detonation of the warhead, combined with the high accuracy of Britain's Trident warheads will allow the UK to threaten hard targets such as underground bunkers, Ritchie added.

He said the US programme would extend the service life of Trident warheads by 30 years.

The government was first questioned about the new US components for Britain's Trident missiles in 2007 by Nick Harvey, the Liberal Democrat defence spokesman and now armed forces minister. Des Browne, then defence secretary, told him: “I am not prepared to discuss the detailed performance characteristics of our nuclear weapons.”

The government is particularly sensitive about the Trident nuclear warhead upgrade as it could be seized on by non-nuclear states in any forthcoming international disarmament talks.

The disclosures come at a time when discussions about how to replace the existing Trident system is causing severe strains within the government.

Liam Fox, the defence secretary, insists the existing fleet of four submarines must be replaced like-for-like and Britain must persist with a continuous at-sea deterrent (CASD) - that is, having one nuclear-armed submarine on patrol every day of the year.

Harvey told the Guardian earlier this year that alternatives did not seem to have been given detailed or objective assessments. “The debate has been very much yes or no to this single notion of how a credible deterrent can be provided,” he said.

No date has yet been fixed for the “initial gate” decision on the design of the new Trident submarine fleet. The MoD first said it would be announced in December. One of the problems is what kind of nuclear reactor would propel the submarines. The choice is between the existing pressurised water (PWR2) reactor of the kind used in the navy's Astute-class conventionally armed submarines and a new PWR3 reactor of US design.

A decision about the final makeup of a successor to the existing Trident system has been put off until after the general election, due in 2015. The MoD was unable to immediately respond to Sandia's disclosures or their significance.

More news

Topics

Trident

Military

Defence policy

Nuclear weapons

ANNEX 45 – Hansard, HC, 8 December 2009, col. 214W,
<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091208/text/91208w0008.htm#09120870000086>

Trident Missiles

Angus Robertson: To ask the Secretary of State for Defence what plans he has to modify the gas transfer system of the Trident warhead as part of the Mk4A refurbishment programme; and in which country the gas transfer system will be manufactured. [304340]

Mr. Quentin Davies: I refer the hon. Member to the answer given by my right hon. Friend, the Secretary of State for Defence on 3 December 2009, *Official Report*, column 911W. As for any modifications planned for this system, it is Ministry of Defence policy not to comment on details of UK warhead design as to do so would, or would be likely to, prejudice national security and defence in the UK.

8 Dec 2009 : Column 214W

Angus Robertson: To ask the Secretary of State for Defence what the projected cost is of the Mk4A refurbishment programme for Trident warheads; and what proportion of this expenditure he expects to be incurred in the United States. [304341]

Mr. Quentin Davies: The overall cost to the UK of procuring the Mk4A component was an element of the estimated future costs of the Atomic Weapons Establishment as set out in chapter five of the White Paper 'The Future of the United Kingdom's Nuclear Deterrent' (Cmd 6994), published in December 2006.

I am withholding further details on the costs of the Mk4A programme as their release would, or would be likely to, prejudice national security and defence in the UK.

USA: Defence

Angus Robertson: To ask the Secretary of State for Defence for what reason (a) the classification guidelines CG-UK-2 for the exchange of material between the UK and the US were produced in 2006 and (b) the new classification guidelines CG-US-UK-NUC-1 were produced in 2008. [303887]

Mr. Quentin Davies: Both of these documents were produced jointly by the UK and US in an effort to harmonise security classification guidance relating to sensitive nuclear information.

ANNEX 46 – Hansard, HC Deb, 28 November 2012, col. 353W,
<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121128/text/121128w0001.htm#12112886000058>

28 Nov 2012 : Column 353W

attack submarines, and Hercules C130 and E-3 Sentry aircraft, and to seek assistance, where appropriate, from allies and partners.

Trident

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13/03/2015 09:44

House of Commons Hansard Written Answers for 28 Nov 2012...

<http://www.publications.parliament.uk/pa/cm201213/cmhansr...>

Angus Robertson: To ask the Secretary of State for Defence pursuant to the answer of 13 July 2012 to the hon. Member for Islington North, *Official Report*, column 412W, what the titles are of all projects currently underway at the Atomic Weapons Establishment to inform the decision on whether to refurbish or replace the existing UK Trident warhead. [129581]

Mr Dunne: The Nuclear Weapons Capability Sustainment Programme has been under way since 2005. It is a programme at the Atomic Weapons Establishment to maintain and where necessary to develop science and technology capability to develop infrastructure facilities, and staff capabilities to ensure that the UK has the ability to underpin any decision on a future UK nuclear warhead.

Paul Flynn: To ask the Secretary of State for Defence how many staff are employed on the Trident replacement design programme at (a) BAE Systems, (b) Babcock Marine, (c) Rolls-Royce and (d) elsewhere. [130021]

Mr Dunne: I refer the hon. Member to the answer I gave on 19 November 2012, *Official Report*, column 239W, in which I stated that there are approximately 1,100 BAE Systems and 100 Babcock Marine personnel employed on the Successor submarine programme. Work on the Successor programme is also sustaining around 600 jobs at Rolls-Royce.

Information on personnel employed elsewhere is not held in the format requested and I would refer the hon. Member to the answer I gave on 19 November 2012, *Official Report*, column 235W, in which I stated that there are approximately 130 Ministry of Defence personnel employed solely on the Successor submarine programme.

ANNEX 47 – T. Postol, ‘How the Obama Administration Learned to Stop Worrying and Love the Bomb,’ *The Nation*, 10 December 2014

<http://www.thenation.com/article/192633/how-obama-administration-learned-stop-worrying-and-love-bomb>

John Nichols: Bold Progressive Donna Edwards Enters Key Senate Race



How the Obama Administration Learned to Stop Worrying and Love the Bomb

US nuclear policy is undermining our safety and national security.

Theodore A. Postol December 10, 2014 | This article appeared in the December 29, 2014 edition of *The Nation*.

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The move updates a concept that gained currency under the ailing leadership of Leonid Brezhnev in the 1970s. At that time, Soviet leaders were so terrified of American nuclear intentions that they designed a “dead hand” system to guarantee retaliation in the event of a successful US attack. In 2006, more than three decades later, Sergei Sobyarin, chief of staff of the Russian Presidential Executive Office, expressed similar concerns.

As described earlier, the US modernization program includes efforts to improve the reliability of fuses on ballistic-missile warheads. This claim disguises an important fact: the fuses have been modified to increase the killing power of the warheads. Painstaking efforts have also gone into improving their delivery accuracy. When the results of these combined activities are summarized for Russian political leaders, it is not hard to understand their alarm.

The upgraded fuses on the Minuteman III ballistic warheads, for example, greatly enhance the US strike capacity. When trajectory errors place the redesigned warheads slightly too high, they will detonate sooner than planned. In other words, they will detonate directly above the targets rather than flying farther downrange, assuring the maximum chance of destroying their target. This technique, called “burst height compensation,” is only useful if the precision of delivery is already enormously high.

The implications of other apparently minor technical details are similarly profound. Enhancements to the inertial measurement system in the Minuteman III warheads improve the accuracy of the location and velocity data that are needed to place the warheads on lethal trajectories. Engineering tweaks to the Minuteman III propulsion system give military commanders greater control over the deployment of weapons. Upgrades to the submarine-launched Trident II dramatically improve the US capacity to destroy Russian silo-based ICBMs, and with less warning time.

ANNEX 48 – France No. 01 (2010):

<http://www.ukdf.org.uk/assets/downloads/UKFranceDefenceCooperationTreaty.pdf>

ARTICLE 1

Objectives

The Parties, building on the existing strong links between their respective defence and security communities and armed forces, undertake to build a long-term mutually beneficial partnership in defence and security with the aims of:

1. maximising their capacities through coordinating development, acquisition, deployment and maintenance of a range of capabilities, facilities, equipment, materials and services, to perform the full spectrum of missions, including the most demanding missions;
2. reinforcing the defence industry of the two Parties, fostering cooperation in research and technology and developing cooperative equipment programmes;
3. deploying together into theatres in which both Parties have agreed to be engaged, in operations conducted under the auspices of the United Nations, the North Atlantic Treaty Organisation or the European Union's Common Security and Defence Policy or in a coalition or bilateral framework, as well as supporting, as agreed on a case by case basis, one Party when it is engaged in operations in which the other Party is not part;
4. ensuring the viability and safety of their national deterrents, consistent with the Treaty on the Non-Proliferation of Nuclear Weapons;
5. ensuring their support for action in the United Nations, the North Atlantic Treaty Organisation and the European Union under the Common Security and Defence Policy as well as complementarity between the North Atlantic Treaty Organisation and the European Union in all relevant areas.

**TREATY BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND AND THE FRENCH REPUBLIC RELATING
TO JOINT RADIOGRAPHIC/HYDRODYNAMICS FACILITIES**

The United Kingdom of Great Britain and Northern Ireland and the French Republic hereinafter referred to as “The Parties”,

Mindful of their common defence interests and of the importance of nuclear deterrence, a core element of their national and Allied defence strategies, and bearing in mind that they do not see situations arising in which the vital interests of either Party could be threatened without the vital interests of the other also being threatened,

Being determined to maintain only a minimum credible nuclear capability, consistent with the strategic and security context of their commitments under ARTICLE 5 of the North Atlantic Treaty, done at Washington on 4 April 1949, and considering that their nuclear forces contribute to Europe’s security as a whole,

Reaffirming their rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), done on 1 July 1968, and commitments under the Comprehensive Nuclear-Test-Ban Treaty, done on 10 September 1996,

Reiterating their mutual interest in keeping their independent nuclear forces at the highest level of safety and reliability, at least cost, and determined to co-operate to this end in the industrial, technological and scientific fields,

Seeking to improve further the effectiveness of their armed forces, in accordance with the Treaty between the United Kingdom of Great Britain and Northern Ireland and the French Republic for Defence and Security Co-operation, signed at London on 2 November 2010,

Have agreed on the following:

ARTICLE 1

General co-operation

1.1 The Parties shall co-operate, including through the exchange of relevant classified information, in the following areas:

- a) safety and security of nuclear weapons;
- b) stockpile certification;
- c) counter nuclear or radiological terrorism.

ANNEX 50 –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277167/France-UK_Summit-Declaration_on_Security_and_Defence.pdf

Defence Nuclear Cooperation

30. We are making excellent progress with the development of world class scientific facility Epure in Valduc to underwrite the safe and assured performance of our respective nuclear weapon stockpiles. Final national investment approvals were recently granted by the two Governments: a significant step that deepens our commitment in accordance with the Treaty. It was agreed today to optimize the efficiency of the Teutates project by taking benefice of the refurbishment of a facility located in Aldermaston. We also have agreed to subject more of the technical and scientific data that underpins warhead certification to peer review;

to work together on developing energetic materials for the future; and to conduct joint research at the laser facilities located at AWE Orion and CEA/DAM - LMJ. There is no greater evidence of the value we both attach to the bilateral relationship than our willingness to work together in this most sensitive area.

ANNEX 51 – <http://nuclearinfo.org/article/government-development-awe-aldermaston/uk-and-france-extend-warhead-research-collaboration>.

UK and France extend warhead research collaboration into new ...

<http://nuclearinfo.org/article/government-development-awe-ald...>

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The new co-operation arrangements will assist AWE in work on developing a successor to the current Trident nuclear warhead and may allow the establishment's scientists to benefit from recent work in developing France's new Tête Nucléaire Océanique (http://en.wikipedia.org/wiki/T%C3%AAt%20nucl%C3%A9aire_oc%C3%A9anique) (TNO) nuclear warhead, which is scheduled to enter into service next year. No formal decision has yet been taken by the UK government on whether the existing Trident warhead design will be refurbished or replaced. However, work is currently under way at AWE to inform the decision and up to 30 November 2012 a sum of £54.6 million had been spent on such studies.

AWE's Orion laser became fully operational in April 2013 and in December CEA announced that the Laser Megajoule had conducted its first experiment. High powered superlasers such as Orion and the Laser Megajoule allow researchers to conduct experiments which subject warhead materials and components to immense temperatures, with the results used to model how a nuclear warhead would behave as it exploded. Such experiments have become increasingly important to nuclear-armed states following agreement of the Comprehensive Nuclear-Test-Ban Treaty, which prohibits the underground 'live' testing of nuclear weapons. Non-government organisations have raised concerns that the experiments provide a way for nuclear-armed states to side-step their obligations under the Treaty.

The Laser Megajoule and Orion operate under different temperature and pressure regimes, meaning that co-operation between the UK and France will allow the two governments to collectively conduct experiments

ANNEX 52 – “Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with respect to the Limitation of Strategic Offensive Arms”, Unilateral Statement by Minister Semenov, May 17, 1972,
<http://www.state.gov/t/isn/4795.htm>

Interim Agreement

<http://www.state.gov/t/isn/4795>

Taking into account that modern ballistic missile submarines are presently in the possession of not only the United States, but also of its NATO allies, the Soviet Union agrees that for the period of effectiveness of the Interim Freeze Agreement the United States and its NATO allies have up to 50 such submarines with a total of up to 800 ballistic missile launchers thereon (including 41 U.S. submarines with 656 ballistic missile launchers). However, if during the period of effectiveness of the Agreement U.S. allies in NATO should increase the number of their modern submarines to exceed the numbers of submarines they would have operational or under construction on the date of signature of the Agreement, the Soviet Union will have the right to a corresponding increase in the number of its submarines. In the opinion of the Soviet side, the solution of the question of modern ballistic missile submarines provided for in the Interim Agreement only partially compensates for the strategic imbalance in the deployment of the nuclear-powered missile submarines of the USSR and the United States. Therefore, the Soviet side believes that this whole question, and above all the question of liquidating the American missile submarine bases outside the United States, will be appropriately resolved in the course of follow-on negotiations.

On May 24, Ambassador Smith made the following reply to Minister Semenov:

The United States side has studied the “statement made by the Soviet side” of May 17 concerning compensation for submarine basing and SLBM submarines belonging to third countries. The United States does not accept the validity of the considerations in that statement.

On May 26 Minister Semenov repeated the unilateral statement made on May 17. Ambassador Smith also repeated the U.S. rejection on May 26.

ANNEX 53 - "The Future United Kingdom Strategic Nuclear Deterrent Force",
Defence Open Government Document 80/23, Ministry of Defence, July 1980,
<http://fc95d419f4478b3b6e5f-3f71d0fe2b653c4f00f32175760e96e7.r87.cf1.rackcdn.com/800710%20MT%20to%20Giscard%20%28417-181%29.pdf>

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SUBJECT

See also DOD ref. 80/23

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10 DOWNING STREET

THE PRIME MINISTER

10 July 1980

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T139/80

Dear Mr. President,

As you know, we have been giving much thought in recent months to the question of a successor to our present Polaris force. I wanted personally to let you know that, after intensive deliberations, the Government has concluded that the best course is to replace Polaris in the early 1990s with the US Trident weapons system. I have therefore formally asked President Carter whether the United States Government would be prepared to supply Trident I missiles and equipment (including the MIRV capability) and supporting services on broadly the same basis as Polaris was supplied.

The size of the new force will be not less than four submarines. The option of a fifth boat will remain open for the time being, since it is not necessary to decide this yet. The submarines themselves, and the nuclear warheads, will be designed and manufactured in the United Kingdom.

Like Polaris, the successor force will be assigned to NATO. It will nevertheless, as now, be wholly owned by us and under our sole operational control.

/I am convinced

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I am convinced that this decision is not only in the best interests of the United Kingdom but in those of the Alliance as a whole, to whose security the United Kingdom's continuing possession of a strategic deterrent capability will remain a major contribution. The Trident force will, I believe, place us in the best possible position to operate effectively well into the 21st century in whatever strategic environment we then face.

I should like to emphasise that we remain committed to the strengthening of our conventional forces, including the 3% real annual increase in our defence spending and support of the force improvements programmes already discussed in the Alliance.

I hope that the Government will be able to announce a favourable response from President Carter to this request in the House of Commons in the afternoon of Thursday, 17 July. I attach particular importance to letting you know of our decision in advance of my announcement, but I would be grateful if, till then, you will regard this information as confidential to yourself.

I enclose a copy of a note which we shall be giving our other Allies just before the announcement.

I am sending a similar message today to Chancellor Schmidt.

Yours sincerely,

Margaret Thatcher

His Excellency Monsieur Valery Giscard d'Estaing

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SUCCESSOR TO THE UNITED KINGDOM POLARIS SYSTEM

Timing of Polaris Replacement

1. The United Kingdom Polaris strategic deterrent force came into operation in the late 1960s. A major improvement programme to maintain its effectiveness during the 1980s is now nearing completion. After that period, however, it will become increasingly difficult and expensive to maintain the operational capability of the force. Decisions therefore need to be taken now about a successor system to begin entering service in the early 1990s.

The Case for Trident

2. A wide range of possible options for a successor system has been examined in detail. Account has been taken of the need for a successor force to remain effective well into the 21st century, the timescale for acquisition, and the probable cost. Her Majesty's Government has decided that the operational requirement would best be met by purchase of the Trident I MIRV missile system from the United States, to be equipped with warheads developed and produced in the United Kingdom and carried aboard British-built nuclear submarines.

3. The choice of Trident reflects the need to deploy a force able to provide a degree of insurance against Soviet strategic defences in the longer term. The long range of Trident I and its MIRV capability will provide such an insurance against further advance in Soviet anti-submarine and anti-missile capabilities. Trident is thus related to the situation in the 1990s and beyond, just as Polaris (and the Chevaline programme to improve Polaris) were intended to cope with the existing and foreseen strategic environments of the 1970s and the 1980s.

/Anglo-US Cooperation

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Anglo-US Cooperation

4. The United States Government's agreement to this request for cooperation in the modernisation of the United Kingdom force will continue the long-standing US/UK strategic cooperation which dates back to World War II and has traditionally involved the sharing of highly advanced strategic technology.

Contribution to NATO

5. The new Trident force will be assigned to NATO and dedicated to SACEUR targets, just as the Polaris force is now. Her Majesty's Government regards the maintenance of a viable and credible independent strategic deterrent as a vital element of its contribution to the Alliance. The decision to replace the Polaris force represents a reaffirmation of the strength of the United Kingdom commitment to the Alliance and thus to the defence of Western Europe.

6. The United Kingdom will, as with Polaris, have full operational control over the new force. This independent centre of decision-making increases the Alliance's general deterrent capability, thus strengthening strategic stability and collective security.

Size of the Force

7. The United Kingdom Trident force is initially planned as four submarines each carrying sixteen missiles, as with the present Polaris force. A fifth submarine would provide additional insurance against improved Soviet defensive capabilities and against accident or major equipment failure, but would add to the cost. A decision on a fifth submarine is not needed until 1982/83 and this option will therefore be kept under review until then.

SALT II

8. The United States made clear that the SALT II Agreements do not preclude cooperation with its allies, including cooperation on modernisation. Indeed, the United States has made clear that transfer of numerically limited systems is not necessarily precluded. The Soviets certainly understood this US position to apply with special strength to US/UK cooperation, given the intensive and long-standing pattern of cooperation between the United States and the United Kingdom.

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/ SALT III

SALT III

9. The Soviet Union will doubtless continue to demand the inclusion of non-United States strategic systems. Similar Soviet efforts in SALT I and II were successfully resisted by the United States. The proposed new force does not provide any new justification for such a demand. The United Kingdom will only be keeping pace with the technological improvement and expansion of Soviet systems.

10. By the mid-1990s, the United Kingdom Trident force will represent roughly the same proportion of Soviet strategic forces (assuming these are limited to SALT II levels) as the Polaris force did of the equivalent Soviet forces when it became fully operational in 1970. Indeed in absolute terms the gap between Soviet and United Kingdom warhead numbers will be very much greater in the 1990s than in 1970.

Theatre Nuclear Force Modernisation

11. Britain's strategic SLBM force lies clearly outside the category of those United States and Soviet long-range land-based theatre nuclear forces about whose limitation the United States has repeatedly invited the Soviet Union to negotiate.

12. The replacement of the UK Polaris force in the 1990s is quite separate from, though eventually complementary to, the planned programme to modernise in the 1980s the Alliance's land-based long-range theatre nuclear forces. The two forces are not interchangeable in military or deterrent terms. The GLCM/Pershing II force answers a somewhat different requirement: the NATO nuclear planning group identified a major gap in the selective employment capability of the Alliance against long-range theatre targets, and recommended that this should be met by the deployment of long-range land-based theatre missiles. The modernised UK force will be sea-based and thus cannot meet this need. It will contribute to NATO's deterrent capabilities at the central strategic level, but it is not well suited for selective employment at a lower stage of conflict. In addition, the technical characteristics of the new long-range theatre nuclear force system will differ significantly from those of the modernised UK force and can be expected to be targetted differently by SACEUR.

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Conventional Forces

13. Her Majesty's Government remain determined to maintain and strengthen the United Kingdom's conventional defence effort in accordance with undertakings already given in the Alliance. The economies made possible by cooperation with the United States, compared with the financial burden which would be associated with an independent modernisation programme, will make an important contribution to this process.

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Wider Implications of the Choice of Trident D5

31. As noted earlier, the Trident D5 missile will be more accurate than Trident C4, and this increased accuracy gives D5 the ability to attack land-based missiles in hardened silos. It has therefore been characterised by some as a "first strike" weapon – that is, a weapon which is designed to be able to destroy an opponent's land-based strategic missiles, even inside their hardened silos, before he has a chance to fire them. The Government wishes to make it absolutely clear that the increased accuracy of the Trident D5 system played no part in its decision to adopt the more modern system. Indeed, even if a United Kingdom Government had any thoughts of a first strike capability, simple arithmetic demonstrates that it is totally beyond its grasp. The fire power of the British force with maximum D5 payloads would be sufficient to target only a very small proportion of the Soviet ICBM silos. As has been said, Trident C4 would be sufficient for our deterrent needs. It is important to be clear about this, since the reasons behind the United Kingdom and United States decisions to deploy D5 are very different. The reasons for our choice are those set out in this document; essentially they hinge on the retention of commonality with the United States Navy. The purpose of the United States in deploying the more accurate Trident D5 missile is to make it clear that it has the ability to use its nuclear weapons, from invulnerable submarine platforms, against different numbers and types of targets including specifically military targets. This is made possible by the increased accuracy of the more modern missile. Their policy is designed to underline NATO's capability for flexible response, which is entirely defensive. It is not in any way to provide a "first strike" capability or to make "limited nuclear war" easier or more likely; neither the United States, the United Kingdom nor NATO as a whole subscribes to either concept.

Arms Control aspects

36. The possible effect of any future arms control agreement between the United States and the Soviet Union upon the continued availability of UK *Trident* missiles has been widely commented on. The Prime Minister has sought and received assurances from the United States that the supply of *Trident* missiles to the UK will in no way be affected by any future arms control agreement. At present we see no cause for concern on this point.³⁶

The UK element

37. Although only 5 per cent of expenditure on the Strategic Weapon System is to be made in the UK, this is the area where potentially serious problems have arisen. According to the Comptroller and Auditor General:

"... proving the effectiveness of the system for UK purposes is dependent on the production in the UK of software for targetting, modelling and effectiveness assessment. DGSWS³⁷ currently has a shortage of scientific staff to carry out these tasks and has had difficulty in recruiting such specialists since 1982. The position is not yet critical, but could become so, with a potential risk to assurance of the effectiveness of the UK system. Software work is being contracted out to complete essential tasks".³⁸

38. These problems give cause for concern. As in the case of recruitment and retention problems at AWE Aldermaston, which we discuss in paragraphs 75 to 82 below, this demonstrates the difficulty which the public service can experience in paying the rate for the job. In the context of the huge overall cost of such a major programme, the sums involved are very small; yet the risk to the reliability of the UK systems may depend on the recruitment of appropriate staff. It is not satisfactory that software work should be contracted out merely as an expedient.

ANNEX 56 – Statement by Ambassador David Broucher, NPT Preparatory Committee
2004, Cluster I, May 3 2004,
<http://ploughshares.ca/wp-content/uploads/2009/05/UK04-1.pdf>



STATEMENT

By

Ambassador David Broucher

**Permanent Representative of the United Kingdom of Great Britain and Northern
Ireland**

NPT Preparatory Committee 2004

General Statement

26 April 2004

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Mr Chairman,

Let me begin by saying how pleased we are to see you presiding over this Third Preparatory Committee. I wish you every success. You have our full support and co-operation for the challenging task that lies ahead.

I would like to record at the outset our endorsement of the statement made by Ireland on behalf of the European Union.

The past year will go down in the NPT history books for many reasons: some good, some bad. It will be remembered for Libya's historic decision to acknowledge and renounce its WMD programme. It will be remembered for Iran's decision to sign the Additional Protocol. But many will also remember it as the year that AQ Khan admitted selling Pakistani nuclear technology over a number of years to a series of non-nuclear weapon states. And the year that Iran was found not to have declared significant elements of its nuclear programme to the IAEA.

Events over the year have shown that multilateralism can pay great dividends in the field of counter-proliferation. But they have also demonstrated how much remains to be done. Loopholes in the international machinery are being sought by states to develop clandestine weapons programmes. Terrorists are seeking nuclear materials. These threats are not receding. Information from Pakistan that North Korea was pursuing an undeclared uranium enrichment programme reinforces the importance of the 6 Party Talks process under way in Beijing. We fully support that process. We must redouble our counter-proliferation activities and work to strengthen the international machinery that supports them.

The NPT is the cornerstone of the nuclear non-proliferation regime. It retains the wholehearted support of the United Kingdom and the vast majority of the international community. Over the past year the UK has strongly supported NPT objectives. We have worked in co-operation with the US to facilitate Libya's decision to acknowledge and renounce its WMD programme. We have facilitated Libyan engagement with the appropriate international bodies, the IAEA and the OPCW, and in co-operation with these agencies we have provided assistance with dismantlement of Libya's programme. Together with our EU partners, France and Germany we have encouraged Iran to resolve international concerns about the purpose of its nuclear programme through active co-operation with the IAEA. In conjunction with the IAEA Board of Governors, we have secured Iranian agreement voluntarily to suspend development of its uranium enrichment-related and reprocessing activities. We believe that Iran needs to allay the concerns of the international community about its programme, and pave the way for a sustainable long-term agreement.

There have been calls recently from some quarters to introduce new NPT mechanisms, including Annual Conferences to replace the Prepcoms and a standing bureau of the Treaty. The idea is that such measures would strengthen the NPT process. We disagree. Mechanisms to tackle proliferation and non-compliance already exist within the IAEA and the UNSC. Let's concentrate our efforts on strengthening those rather than tinkering with core elements of the Treaty.

Compliance

The UK remains a staunch supporter of the IAEA's work in all areas. We particularly congratulate it for its work over the past year. The IAEA's work on safeguards underpins the entire NPT; it is the front line of defence against states who would cheat on their international obligations. We continue to call upon all states which have not yet done so to agree, bring into force, and comply with Comprehensive Safeguards Agreements and Additional Protocols to those agreements. We should aim for these to become universal in the shortest time possible. No country that is developing nuclear technology for purely peaceful purposes should have anything to fear from such a step.

Within the Nuclear Suppliers Group, the United Kingdom has actively promoted the principle that Participating Governments adopt the Additional Protocol, as a condition of supply for the most sensitive of nuclear items – the so-called Trigger List goods. Last year States Party agreed a package of measures that effectively sets the Agency's budget for a 4-year period. This included a significant increase in resources for the Agency's safeguards activities. Recent events have highlighted how vital the Agency's work is in this area. We must all continue to ensure that the Agency has the funding it needs. For our part, the United Kingdom has wherever possible paid its contributions in full and on time and has made voluntary contributions to the Agency in the last year worth over half a million dollars.

Counter-Proliferation

The IAEA's work alone will not solve today's problems. A broad range of tools is required that will necessitate action by other international bodies and by national governments.

We should expand the work of the Proliferation Security Initiative (PSI). Through improved information sharing and enhanced operational readiness, PSI has created the practical basis for co-operation among states in interdicting shipments of weapons of mass destruction, their delivery systems and related materials. Since its launch last year PSI has gained the support of over 60 countries and the number continues to grow. We hope eventually to involve all countries that have the will and capacity to co-operate.

The Global Partnership is a genuinely multilateral effort to tackle the dangers posed by the weapons legacy of the former Soviet Union. We are now seeing results on the ground. Work under the Partnership includes programmes for the security and disposition of fissile material, improving border security, controlling radiological sources, and redirecting scientists and other specialists with weapons of mass destruction expertise into peaceful civilian employment, including commercial ventures. The UK is a strong supporter of the Global Partnership. We have committed up to \$750 million over 10 years.

The UK has put domestic legislation in place to give effect to our international commitments. The Anti-Terrorism, Crime and Security Act 2001 makes it an offence to aid or abet the overseas use or development of nuclear, biological or chemical weapons. The Export Control Act 2002 extends current end-use controls to include the provision of technical assistance and the transfer of technology by any means.

We would ask other national governments to enact and enforce effective domestic laws and controls that support non-proliferation and criminalise proliferation: there must be stiff penalties for those that do not comply. The United Nations Security Council is currently negotiating a resolution to advance these goals. We hope that it will soon be adopted and stand ready to help states meet the obligations contained within it.

Peaceful Uses

The United Kingdom strongly supports the principle that States Party should have access to the benefits of peaceful uses of nuclear energy as described in Article IV of the NPT. But the right to enjoy such benefits should be conditional on compliance with Articles I-III as the Foreign Secretary said in his statement to Parliament of 25 February. States Party that have failed to comply with their safeguards obligations lose the confidence of the international community. We should consider whether such states should not lose the right to the nuclear fuel cycle, particularly the enrichment and reprocessing capabilities which are of such proliferation sensitivity. This does not mean the states concerned could not construct and run civil nuclear power stations. These could still operate with fuel supplied by countries honouring their safeguards obligations. The fuel would be subject to Agency monitoring while in the receiving country, and would be returned to the country of supply when spent. This would prevent a seemingly civil programme masking a weapons programme.

Universality

India, Pakistan and Israel remain outside the treaty. We call on them to adhere to the treaty as non-nuclear weapon states. We would be against any move to amend the Treaty to give them formal status as nuclear weapon states. We believe that all three should sign and ratify the Comprehensive Test Ban Treaty and join us in a moratorium on the production of fissile material and the negotiation of a Fissile Material Cut Off Treaty as the next steps towards nuclear disarmament. We welcome recent efforts by India and Pakistan to work together to reduce nuclear tensions in the region through confidence building measures. We believe that this is an essential step to avoid the risk of escalation to a nuclear exchange. It is vital that the two sides get a realistic understanding of each other's decision-making processes and red lines. Pakistan has been a source of nuclear proliferation through the activities of AQ Khan, and India has developed its domestic technological base to the extent that it could be an attractive target for procurement networks. We need to find effective ways in which to work with both in the future.

Nuclear Weapon Free Zones

The UK continues to support the principle of Nuclear Weapon Free Zones and is playing a constructive role as a Nuclear Weapon State in their development. The UK has continued to engage in talks with the five Central Asian and the South East Asian states. We hope for progress on both the Central Asian and South East Asian nuclear weapons free zones soon.

The UK also continues to support the objective of establishing an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction. We have submitted a report to the UN Secretariat outlining the UK's contribution on Middle East issues, including our contribution to the realisation of the 1995 Resolution on the Middle East, which the UK co-sponsored.

Negative Security Assurances

Our position on NSAs has not changed. We remain committed to our negative security assurance as we gave it in 1995, as noted in UN Security Council Resolution 984. In addition, the UK has given NSAs through the Protocols it has signed to NWFZ Treaties. Since 2000 the UK has signed and ratified the relevant protocols to the Treaties of Rarotonga and Pelindaba, which established the South Pacific and African Nuclear Weapons Free Zones, respectively. We believe that these commitments already give Non-Nuclear Weapons States the assurances they seek.

Disarmament

I would now like to turn to the third pillar of the NPT: disarmament.

The UK continues to support the disarmament measures listed in the 2000 Final Document and the 1995 Review Conference decisions. We value all reductions in nuclear weapon levels whether achieved through unilateral, bilateral or multilateral means.

The 1998 Strategic Defence Review and 2003 Defence White Paper affirmed that the UK remains committed to working towards a safer world in which there is no requirement for nuclear weapons. We believe that strengthening the international non-proliferation regime is an important element of our work towards this goal. Over the past decade the UK has made substantial progress on our global nuclear disarmament obligations under the NPT (Art VI). This has included: the withdrawal and dismantling of our maritime tactical nuclear capability; the withdrawal and dismantling of the RAF's WE177 nuclear bomb; and the termination of the nuclear Lance missile and artillery roles that we undertook with US nuclear weapons held under dual-key arrangements. This left Polaris, later superseded by Trident, as our only nuclear weapons system.

Since 2000 we have completed the dismantling of our Chevaline (Polaris) warheads. We hold less than 200 operationally available warheads. This amounts to a reduction of 70% in the explosive power of our nuclear weapons since the end of the Cold War, taking the UK from four nuclear roles to just one. We have announced that our nuclear forces patrol on reduced readiness; only a single Trident submarine is now on deterrent patrol at any one time, normally at several days "notice to fire" and with its missiles de-targeted.

These measures build on actions previously taken by the UK to build confidence and increase transparency in Article VI related issues. Among others, we have signed and ratified the Comprehensive Nuclear Test Ban Treaty (CTBT). In 1995 we announced that we had stopped the production of fissile material for nuclear weapons and other nuclear explosive devices. In 1998 we were the first NWS to declare the total size of these stocks. We then voluntarily placed all our fissile material no longer required for defence purposes under international safeguards where they are liable to inspection by the IAEA. In 1998 we also initiated a fissile material "historical accounting" programme. The first stage of this work concluded in 2000 with the publication of our Plutonium historical accounting record at the time of the NPT Review Conference.

We continue to work for the re-commencement of negotiations at the Conference on Disarmament on a Fissile Material Cut-Off Treaty (FMCT) and call upon others to join us in a moratorium on production. We believe that global nuclear disarmament is a process, and that an FMCT is the next step in that process.

Last year we held a lunch-time seminar to introduce some of the work that we have been doing to develop UK expertise in verifying the reduction and elimination of nuclear weapons internationally. We have continued with this work and we invite you to see for yourselves what we have been doing at a presentation on Friday lunchtime. We will also be publishing a second working paper entitled: "Verification of Nuclear Disarmament: Second Interim Report on Studies into the Verification of Nuclear Warheads and their Components." There is an information leaflet about the seminar in the UK information pack at the back of the room.

Nuclear Terrorism

It would be wrong to conclude this speech without mentioning the threat of nuclear terrorism. Recent events in Madrid, Turkey, Afghanistan and Iraq have demonstrated all too clearly that there are individuals or groups in the world that are determined to wreak havoc on society and kill hundreds or thousands of innocent civilians in the promotion of their cause. The threat of terrorist use of nuclear weapons concerns us all. We welcome the work that is being carried out to reduce this risk: by individual nations, by the counter-terrorism committee in New York, by the IAEA, the G8 and other organisations. We also welcome work to tackle the root causes of terrorism.

Conclusion

In conclusion, Mr Chairman, let me repeat. The UK is fully committed to the NPT, is meeting its commitments under it, and will continue to work nationally, bilaterally, regionally and multilaterally to further strengthen its regime. We want to see a universal, verifiable instrument that guarantees a world free from nuclear danger, and so provides the security that all of us here today are looking for. The NPT offers the best hope of achieving that goal.

Thank you Mr Chairman.

ANNEX 57 – 10 Downing Street, Press Notice, Speech on Nuclear Energy and Proliferation, 17 March 2009,
<http://image.guardian.co.uk/sys-files/Politics/documents/2009/03/17/PMSPEECH170309.pdf?guni=Article:manual-trailblock%20package:Position3>

CHECK AGAINST DELIVERY

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To achieve our objective we need two major breakthroughs, effective and universal mechanisms to prevent proliferation to non-nuclear weapons states and active steps by nuclear weapons states towards disarmament

Now is the time for serious commitment to both

So the other core ambition of the "Road to 2010" proposals we will publish this Summer is a credible roadmap towards disarmament by all the nuclear weapons states - through measures that will command the confidence of all the non-nuclear weapons states

Of course, we have already seen huge cuts in weaponry - with in total 40,000 warheads destroyed since the end of the Cold War. But what we need is more than this - a forward plan for multilateral disarmament - a joint commitment shared by nuclear and non-nuclear weapons states alike

We must begin by reducing the number of nuclear weapons still out there in the world - and between them the US and Russia retain around 95 per cent

The Start Treaty - the mainstay of their bilateral arms control effort - will expire later this year. I welcome their commitment to work for a legally binding successor which I hope will pave the way for greater reductions to come

For our part - as soon as it becomes useful for our arsenal to be included in a broader negotiation, Britain stands ready to participate and to act

The nuclear choices being made today will determine whether we face a future arms race or a future of arms control. Averting the former, and promoting transparency in the latter are both vital to our common future

So the recognised nuclear weapons states must now show unity and leadership and set tirelessly to work on a programme of confidence building measures

I will gladly share for the benefit of all, the pioneering work that we have been doing in the UK on the science of verifying warhead destruction. Our Atomic Weapons Establishment, working with partners from Norway have

ANNEX 58 – Hansard, HC Deb, 6 July 2010, col. 159W,
<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100706/text/100706w0001.htm#10070652000026>

6 July 2010 : Column 159W

will do so by 2020. I am very aware how unsettling a move such as this can be, but I am confident that the chain of command will manage the change as smoothly as possible.

Trident Missiles

Mark Lazarowicz: To ask the Secretary of State for Defence if he will undertake not to seek an update of the Trident D5 system during the period of discussions between China, France, Russia, the UK and the US on future nuclear disarmament following the UN Review of the nuclear non-proliferation treaty. [4794]

Dr Fox: The 2010 review conference was an important milestone for the UK's long-term vision for a world without nuclear weapons. The UK has made it clear that, as soon as it becomes useful for the UK to include its nuclear stockpiles in broader disarmament negotiations, we stand ready to participate and to act.

Maintaining the UK's nuclear deterrent beyond the life of the current system is fully consistent with our obligations as a recognised nuclear weapon state under the nuclear non-proliferation treaty. Therefore, the UK will continue to progress in replacing our existing nuclear deterrent.

ANNEX 59 – Statement by Ambassador John Duncan to the 2010 Non-Proliferation Treaty Review Conference:

http://www.un.org/en/conf/npt/2010/statements/pdf/uk_en.pdf

vi) The engagement as soon as appropriate of all the nuclear-weapon States in the <u>process leading to the total elimination of their nuclear weapons</u>	The UK supports multilateral disarmament and has stated that we stand ready to include our nuclear arsenal in broader multilateral negotiations when it will be useful to do so.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.	The UK has declared 4.4 tons of fissile material surplus to defence requirements, including 0.3 tonnes of weapons-grade plutonium, has placed this material under European Atomic Energy Community (EURATOM) safeguards and made it liable to inspection by the International Atomic Energy Agency. The UK also announced in 1998 that it would cease exercising its right to withdraw fissile material from safeguarded stocks for nuclear weapons.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is <u>general and complete disarmament</u> under effective international control.	The UK subscribes to this principle and has a strong record of fulfilling its non-nuclear/general disarmament commitments.
12. <u>Regular reports</u> , within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1956.	The 2006 White Paper sets out the UK's nuclear doctrine and current posture. The UK provides regular reports in our national statements to NPT PrepComs and RevCons.
13. The further development of the <u>verification capabilities</u> that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.	The UK is conducting research in this area at the Atomic Weapons Establishment through a trilateral project with Norway and VERTIC (a verification NGO) on the technical and non-technical aspects of verifying nuclear warhead dismantlement. Work includes warhead authentication, monitored storage, chain of custody issues and ensuring access to nuclear sites without compromising national security.

ANNEX 60 – http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/eov/L46_France-UK-US.pdf

67th session of the United Nations General Assembly
First Committee

Explanation of vote by

Mr. Guy Pollard,
Deputy Permanent Representative of the
United Kingdom of Great Britain and Northern Ireland
to the Conference on Disarmament

on behalf of France, the United Kingdom and the United States

L46 “Taking forward multilateral nuclear disarmament negotiations”

New York, 6 November 2012

We continue to hold grave concerns as to the preparatory aspects of this meeting, its rules of procedure and other working methods. In addition, given the stringent financial climate we currently are experiencing, we are also concerned at any additional budgetary impact this activity will have.

It is for these reasons that we are unable to support this resolution, the establishment of the OEWG and any outcome it may produce.

Thank you Mr Chairman.

ANNEX 61 – Hansard, HL Deb, 15 July 2013, col. WA93,
<http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130715w0001.htm#13071510000440>

15 July 2013 : Column WA93

Nuclear Disarmament

Question

Asked by Baroness Miller of Chilthorne Domer

To ask Her Majesty's Government whether Ambassador Jo Adamson, United Kingdom Permanent Representative to the Conference on Disarmament, will be attending meetings of the United Nations Open-Ended Working Group on Taking Forward Multilateral Nuclear Disarmament Negotiations. [HL1355]

The Senior Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office (Baroness Warsi): The UK voted against the Resolution in the United Nations General Assembly (UNGA) First Committee that proposed the Open Ended Working Group (OEWG), has not attended past meetings of the OEWG, and does not intend to attend coming meetings.

The Government considers that the Conference on Disarmament, not the OEWG, provides the correct forum for taking forward multilateral nuclear disarmament negotiations.

The Government considers that a practical step by step approach is needed, using existing mechanisms such as the Non Proliferation Treaty and the Conference on Disarmament. The UK will continue to work with other nuclear weapons states (the P5) and non-nuclear weapons states to

strengthen mutual confidence and further disarmament efforts.

ANNEX 62 – Statement by Susan le Jeune d'Allegeershecque, UK Permanent Representative to the UN in Vienna, at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, 9 December 2014,

<https://www.gov.uk/government/world-location-news/uk-intervention-at-the-vienna-conference-on-the-humanitarian-impact-of-nuclear-weapons>

UK intervention at the Vienna Conference on the Humanitarian ...

<https://www.gov.uk/government/world-location-news/uk-interve>.

The UK's view is that the utmost importance must be given to avoiding any use of nuclear weapons, to preventing the spread of nuclear weapons and nuclear weapon technology, and to keeping nuclear weapons safe and secure. The UK is very active in all these areas. That is why we are working hard, and will continue to work hard, to ensure a successful Nuclear Non-Proliferation Treaty Review Conference next spring. We call on all other States Party to do the same.

The UK agrees that we must also pursue the goal of a world without nuclear weapons, and we are active here too.

Some have argued that the way to this goal is to ban nuclear weapons now, or to fix a timetable for their elimination.

The UK considers that this approach fails to take account of, and therefore jeopardises, the stability and security which nuclear weapons can help to ensure.

A declaratory ban, or a timetable not underpinned by the necessary trust, confidence and verification measures, would jeopardise strategic stability. None of us would gain from a loss of that stability.

The UK believes that the step-by-step approach through the NPT is the only way to combine the imperatives of disarmament and of maintaining global stability. Progress is difficult, but possible. The US and Russia have reduced their weapons stockpiles massively. The UK has reduced its number of warheads from around 460 at its peak. Our current commitment is to reduce to 180 by the mid-2020s.

We will work to create the conditions in which nuclear weapons are no longer needed. We will also maintain a minimum credible nuclear deterrent for as long as it is necessary.

Let me underline that the United Kingdom believes that the UN Disarmament Machinery and the Non-Proliferation Treaty provide the right forum for working towards a world without nuclear weapons, taking full account not only of the devastating humanitarian impact which could result from a use of nuclear weapons, but also of the stability and security which nuclear weapons provide.

ANNEX 63 – Written Question 907116, answered on 20 January 2015,
www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-01-14/907116/

Nuclear Weapons:Written question - 907116 - UK Parliament

<http://www.parliament.uk/business/publications/written-question...>

Nuclear Weapons:Written question - 907116

Q Asked by **Dame Joan Ruddock** (Lewisham, Deptford) [N]

Foreign and Commonwealth Office

Commons **907116**

Nuclear Weapons

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he plans to take in response to the conclusions of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, held in December 2014.

A Answered by: **Mr Tobias Ellwood**

Answered on: 20 January 2015

The UK was represented at the Vienna conference by our Permanent Representative to the International Organisations in Vienna, Susan le Jeune. As the Vienna Conference was a discussion platform there were no formal follow up outcomes agreed. However as stated at the Conference, the UK will continue to follow the step-by-step approach to disarmament through the existing UN disarmament machinery and the Nuclear Non-Proliferation Treaty.

ANNEX 64 –

<https://www.gov.uk/government/news/joint-statement-from-the-nuclear-weapon-states-at-the-london-p5-conference>

Joint statement from the Nuclear-Weapon States at the London ...

<https://www.gov.uk/government/news/joint-statement-from-the->

Test-Ban Treaty, the achievement of P5 consensus on a common reporting framework and the Glossary of Key Nuclear Terms, which have all contributed towards the implementation of the 2010 Action Plan.

At their 2015 Conference the P5 restated their belief that the Nuclear Non-Proliferation Treaty remains the essential cornerstone for the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament, and is an essential contribution to international security and stability. They reviewed the NPT Preparatory Committee process over the course of this Review Cycle and considered the upcoming 2015 Review Conference, where the P5 intend to make a joint statement. The P5 looked forward to working with all States Parties to the NPT to ensure a positive outcome to the Review Conference that is balanced across the three mutually reinforcing pillars.

The P5 reaffirmed that a step-by-step approach to nuclear disarmament that promotes international stability, peace and undiminished and increased security for all remains the only realistic and practical route to achieving a world without nuclear weapons. To this end, the P5 discussed issues related to international security and strategic stability and their nuclear doctrines in order to enhance mutual understanding in these areas. This included updates on New START implementation and the verification experiences of both the Russian Federation and the United States in relation to the New START Treaty. It was noted that, since the entry into force of the NPT, the step-by-step approach has already dramatically reduced the number of nuclear weapons held by the NWS from their Cold War peak. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.

The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. In doing so they stressed the importance of engaging in frank and constructive dialogue to that end.

The P5 reiterated their shared understanding about the severe consequences of nuclear weapon use and underlined their resolve to prevent such an occurrence from happening. They also reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons, including, in accordance with UNSCR 984 (1995), their readiness to assist non-nuclear-weapon States Parties to the NPT that may become the victims of a nuclear attack (terrorist or otherwise).

The P5 discussed efforts to achieve entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and recalled their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They called upon all states to uphold national moratoria on conducting any nuclear explosion. It was noted that all members of the P5 have such a voluntary moratorium in place. P5 collaboration on improving and maintaining the International Monitoring System was reviewed. The P5 intend to release a joint statement on minimizing the impact of medical isotope production on the International Monitoring System. Further, particular note was made of the successful completion of the Integrated Field Exercise 2014 in Jordan, to which all members of the P5 contributed equipment, personnel and effort. The P5 decided to continue regular technical meetings aimed at enhancing the verification regime and to hold a workshop on data quality objectives for radionuclide measurements for on-site inspections.

ANNEX 65 – "The United Nations and Security in a Nuclear-Weapon-Free World," 24
 October 2008,
http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=351

Address to the East-West Institute: "The United Nations and Secu...

http://www.un.org/apps/news/infocus/sgspeeches/search_full.

There are also concerns that a "nuclear renaissance" could soon take place, with nuclear energy being seen as a clean, emission-free alternative at a time of intensifying efforts to combat climate change. The main worry is that this will lead to the production and use of more nuclear materials that must be protected against proliferation and terrorist threats.

Ladies and Gentlemen,

The obstacles to disarmament are formidable. But the costs and risks of its alternatives never get the attention they deserve. But consider the tremendous opportunity cost of huge military budgets. Consider the vast resources that are consumed by the endless pursuit of military superiority.

According to the Stockholm International Peace Research Institute, global military expenditures last year exceeded \$1.3 trillion. Ten years ago, the Brookings Institution published a study that estimated the total costs of nuclear weapons in just one country—the United States—to be over \$5.8 trillion, including future cleanup costs. By any definition, this has been a huge investment of financial and technical resources that could have had many other productive uses.

Concerns over such costs and the inherent dangers of nuclear weapons have led to a global outpouring of ideas to breathe new life into the cause of nuclear disarmament. We have seen the WMD Commission led by Hans Blix, the New Agenda Coalition and Norway's seven-nation initiative. Australia and Japan have just launched the International Commission on Nuclear Non-Proliferation and Disarmament. Civil society groups and nuclear-weapon states have also made proposals.

There is also the Hoover plan. I am pleased to note the presence here today of some of that effort's authors. Dr. Kissinger, Mr. Kampelman: allow me to thank you for your commitment and for the great wisdom you have brought to this effort.

Such initiatives deserve greater support. As the world faces crises in the economic and environmental arenas, there is growing awareness of the fragility of our planet and the need for global solutions to global challenges. This changing consciousness can also help us revitalize the international disarmament agenda.

In that spirit, I hereby offer a five-point proposal.

First, I urge all NPT parties, in particular the nuclear-weapon-states, to fulfill their obligation under the treaty to undertake negotiations on effective measures leading to nuclear disarmament.

They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations. Upon the request of Costa Rica and Malaysia, I have circulated to all UN member states a draft of such a convention, which offers a good point of departure.

The nuclear powers should actively engage with other states on this issue at the Conference on Disarmament in Geneva, the world's single multilateral disarmament negotiating forum. The world would also welcome a resumption of bilateral negotiations between the United States and Russian Federation aimed at deep and verifiable reductions of their respective arsenals.

Governments should also invest more in verification research and development. The United Kingdom's proposal to host a conference of nuclear-weapon states on verification is a concrete step in the right direction.

ANNEX 66 – *Nuclear Disarmament and the NPT: The Responsibility of the Nuclear-Weapon States*, at “Global Summit for a Nuclear Weapon-Free World: Laying the Practical, Technical, and Political Groundwork”, Campaign for Nuclear Disarmament and Acronym Institute for Disarmament Diplomacy, London, 16 February 2008, http://www.un.org/disarmament/HomePage/HR/docs/2008/2008Feb16_London.pdf

3

lasting public support, certainly more so than expenditure of vast sums on behalf of weapons whose basic morality, legality, and utility is widely open to question. Nuclear weapons cannot deter catastrophic terrorist attacks, nor are they likely to serve any function in response to such attacks. Yet their perpetuation generates new types of terrorist risks relating to the loss or theft of a nuclear weapon or related material, or to attacks on nuclear facilities or vehicles transporting such items. Physical security controls can only go so far in reducing such risks, but never as far as disarmament.

With respect to my second question, yes there are some steps that are contrary to the cause of disarmament. I would include in this category the following –

- the articulation of long-term plans – at times with time horizons in multiple decades – to retain or improve existing nuclear arsenals, coupled with the lack of any operational plans whatsoever to implement nuclear disarmament;
- the development of new types of nuclear-weapon delivery systems;
- the promulgation of nuclear doctrines that reserve the right to the first use of nuclear weapons, even against non-nuclear-weapon states, or to preempt a possible future attack involving other weapons of mass destruction or even conventional weapons;
- the repeated re-affirmations of nuclear deterrence as vital to national security; and
- the refusal to negotiate or discuss even the outlines of a nuclear-weapons convention.

In this light, the often-heard claim that nuclear stockpiles are at the “minimum” level needed to sustain deterrence is not reassuring, especially to the extent that it offers a model national security posture for other countries to emulate, as indeed they have. The claim by the current possessors that they must retain their nuclear capability because they do not know what threats might arise in the future could easily be made by any would-be nuclear state.

Nuclear doctrines, it appears, are somewhat contagious and tend to proliferate right along with the weapons themselves. The prospect of a world of States, each with its own “minimum” nuclear deterrent, could scarcely serve the interest of international peace and security. And if history teaches us anything, the prospect of perpetually freezing the number states with such a deterrent is not bright, recognizing that nuclear weapons have now spread to some eight or nine states since they were first used at Hiroshima and Nagasaki.

As for my fourth question concerning what steps are needed for substantial progress in disarmament, any movement away from the previous list of items toward enhancing national security through non-nuclear means would advance this goal. Thus, weapons stewardship programmes would progressively give way to disarmament stewardship initiatives, which would include such activities as developing enhanced means of verifying compliance with disarmament commitments, promptly and reliably detecting possible violations, protecting against the reversibility of disarmament obligations, and ensuring the availability of alternative means (both diplomatic and military) of defending legitimate security interests without using nuclear weapons.

It is also important for the public and the world community to witness the progress of disarmament, through transparency measures involving more than just unilateral national declarations of reductions, but sufficient detail for the world to conclude that un-deployed weapons are in fact being taken apart and destroyed.

ANNEX 67 – Foreign and Commonwealth Office, *Lifting the Nuclear Shadow*, 2009, <http://carnegieendowment.org/files/nuclear-paper.pdf>

There is widespread support for a Middle East Zone free of nuclear as well as other weapons of mass destruction - this would require Israel to renounce nuclear weapons, all states in the region to join the global bans on chemical and biological weapons, and full confidence in Iran's compliance with its non-proliferation obligations. The treaties establishing these zones provide the best way for the Nuclear Weapon States to give effect to the stated desire of Non-Nuclear Weapon States for treaty-based 'negative security assurances' that nuclear weapons will not be used against them.

Nuclear Weapons Convention

Another proposal to achieve a global ban (mentioned in the Introduction) is for the international community to begin immediate negotiations, with a tight deadline to prevent prevarication, on a universal, verifiable and legally-binding agreement to ban all nuclear weapons. This approach is championed by many of the Non-Nuclear Weapon States and Non-Governmental Organisations. A model text has been tabled at the UN to illustrate how the main issues might be resolved.

But most of the states with nuclear weapons, including the UK, while accepting that some form of such an agreement is likely to be necessary in due course to establish the final ban, consider that it would be premature and potentially counter-productive to focus efforts on it now when the many other conditions necessary to enable a ban have yet to be put in place. Words alone will not rid the world of nuclear weapons.

UK Approach

The UK and France were the first Nuclear Weapon States to ratify the Comprehensive Test Ban Treaty. We encourage the remaining states to adhere to the Treaty so that it can be brought into force as soon as possible. Pending that, we are maintaining our voluntary moratorium on nuclear test explosions and supporting work to complete the Treaty's extensive verification machinery - which would also play a valuable role as a part of a wider system to verify a global ban on nuclear weapons.

The UK continues to play a leading role in diplomatic efforts to start the negotiations on a Fissile Material Cut-Off Treaty. The UK has produced historical records of all our defence holdings of fissile material and placed stocks surplus to defence requirements under international safeguards. We have also ceased exercising our right, as a Nuclear Weapon State, to withdraw fissile material from safeguarded stocks for nuclear weapons. Withdrawals are now limited to small quantities of materials not suitable for weapons purposes and the details are made public. No material withdrawn from safeguards is used in nuclear weapons.

The UK gave 'negative security assurances' in a formal letter to the Secretary-General of the UN in 1995 (noted in UN Security

ANNEX 68 – Hansard, HL Deb, 9 June 2010, col. 641,
<http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/100609-0001.htm#10060950000327>

9 Jun 2010 : Column 641

subject without delay? Will they ensure that the Secretary-General of the UN tells his facilitator that he should apply the phrase, "Don't take no for an answer"?

Lord Howell of Guildford: I am grateful to the noble Lord. Part of the action plan for the existing nuclear powers is to involve the UN Secretary-General much more closely and to seek his co-operation in the directions that the noble Lord has described. I cannot vouch for the precise patterns which he will follow, but his full involvement in these matters is a major intention of the signatories to the new conclusions.

Baroness Williams of Crosby: My Lords, the Minister described the excellent outcome of the Nuclear Non-Proliferation Treaty Review Conference. However, the great bulk of non-nuclear powers decided to press for a nuclear weapons convention to abolish nuclear weapons completely by 2025. In the light of that, will the nuclear posture review, which has been welcomed and mentioned by the coalition Government, look into how far we can make precise the future steps towards disarmament that we shall take as a Government? Will it also look at the future of the British deterrent?

Lord Howell of Guildford: My Lords, I am grateful to the noble Baroness, who obviously has enormous knowledge of this subject. The idea of a nuclear weapons convention is a fine one, but we take the view, as I think do other Governments, that it is in practice a question of one step at a time. We want to try to move towards the Comprehensive Test Ban Treaty and the Fissile Material Cut-Off Treaty. A whole series of things need to be done before one comes to the happy situation where the nuclear world is disarmed and a convention could then get full support. If we try to rush to a convention first of all, we might end up delaying the detailed work that is needed on the path to get there.

ANNEX 69 – http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/HLM/26Sep_UKUSFrance.pdf [accessed on 1 March 2015].

Other Approaches to Nuclear Disarmament

Finally, Mr President, a few words on the other approaches to Nuclear Disarmament.

We fully understand the serious consequences of nuclear weapon use and will continue to give the highest priority to avoiding such a contingency. Our efforts in disarmament, non-proliferation, and nuclear security are aimed at avoiding the use of nuclear weapons.

We believe that there are already sufficient forums, specified by the UN Special Session on Disarmament in 1978, for discussion on these issues, including: the UNGA First Committee, the UN Disarmament Commission, and the Conference on Disarmament. And while we are encouraged by the increased energy and enthusiasm around the nuclear disarmament debate, we regret that this energy is being directed toward initiatives such as this High-Level Meeting, the humanitarian consequences campaign, the Open-Ended Working Group and the push for a Nuclear Weapons Convention.

We strongly believe that this energy would have much better effect if channeled toward existing processes, helping to tackle blockages and making progress in the practical, step-by-step approach that includes all states that possess nuclear weapons. This includes taking steps to implement the NPT Action Plan that was agreed by consensus in 2010. This roadmap of actions offers the best route for making progress on multilateral nuclear disarmament. We remain committed to this comprehensive, step-by-step approach to nuclear disarmament and will carry on working with civil society and all UN member states toward this end.

Mr President, There is no path to a world without nuclear weapons other than daily hard work on concrete steps toward that end. This requires a broad improvement in the international security environment and the steady pursuit of practical steps, with each step building on the last. We remain concerned that these efforts will shift the focus away from the serious threats posed by the non-compliance and proliferation challenges facing us.

Thank you, Mr President.

ANNEX 70 - Article 36 para. 2 Declarations of The Republic of the Marshall Islands
and the United Kingdom of Great Britain and Northern Ireland



POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: C.N.261.2013.TREATIES-I.4 (Depositary Notification)

DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF
THE INTERNATIONAL COURT OF JUSTICE UNDER ARTICLE 36,
PARAGRAPH 2, OF THE STATUTE OF THE COURT

MARSHALL ISLANDS: DECLARATION UNDER ARTICLE 36 (2) OF THE STATUTE

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The above action was effected on 24 April 2013.

In accordance with paragraph 4 of article 36 of the Statute of the International Court of Justice,
the authentic English text of the declaration and the French translation are transmitted herewith.

30 April 2013



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

“His Excellency Ban Ki-moon
Secretary-General
760 United Nations Plaza
United Nations
New York, NY 10017

Your Excellency:

Declaration of Consent to the Jurisdiction of the International Court of Justice

I have the honor to declare on behalf of the Government of the Republic of the Marshall Islands that:

1) The Government of the Republic of the Marshall Islands accepts as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 17 September 1991, with regard to situations or facts subsequent to the same date, other than:

- (i) any dispute which the Republic of Marshall Islands has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement;
- (ii) any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute.

2) The Government of the Republic of the Marshall Islands also reserves the right at any time, by means of notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, to add to, amend or withdraw either of the foregoing reservations or any that may hereafter be added.

Done at Majuro, Republic of the Marshall Islands this 15th Day of March, Two Thousand Thirteen.

(Signed) The Honorable Tony A. deBrum
Minister in Assistance to the President and
Acting Minister of Foreign Affairs”

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depository notifications are issued in electronic format only. Depository notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depository Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depository notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

United Kingdom of Great Britain and Northern Ireland Declaration Recognizing the Jurisdiction of the Court as Compulsory

5 July 2004

“1. The Government of the United Kingdom of Great Britain and Northern Ireland accept as compulsory ipso facto and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, overall disputes arising after 1 January 1974, with regard to situations or facts subsequent to the same date, other than:

- (i) any dispute which the United Kingdom has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement;
- (ii) any dispute with the government of any other country which is or has been a Member of the Common wealth;
- (iii) any dispute in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at anytime, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.”

(Signed) Emyr Jones Parry

ANNEX 71 – Statement by Hon. Mr. Phillip Muller, Minister of Foreign Affairs of the Republic of the Marshall Islands, 26 September 2013,
http://www.un.org/en/ga/68/meetings/nuclear disarmament/pdf/MH_en.pdf

perspective on the Rarotonga treaty. We express again our eventual aspirations to join with our Pacific neighbors in supporting a Pacific free of nuclear weapons in a manner consistent with international security.

Chair.

Disarmament comes with political will – and we affirm and welcome bilateral progress in this regard, including between the United States and Russia. We urge all nuclear weapons states to intensify efforts to address their responsibilities in moving towards an effective and secure disarmament.

The Marshallese people should be the very first group to alert the United Nations to our deeper purpose – that no nation and people should ever have to bear witness to the burden of exposure to the devastating impacts of nuclear weapons. The UN cannot – and must not – repeat such mistakes; we must rise to take on the challenge of international courage.

ANNEX 72 – Marshall Islands Statement, Second Conference on the Humanitarian Impact of Nuclear Weapons Nayarit, Mexico, 13-14 February 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/nayarit-2014/statements/MarshallIslands.pdf>

Marshall Islands Statement
Second Conference on the
Humanitarian Impact of Nuclear Weapons

Nayarit, Mexico, 13-14 February 2014

Thank you, Mr. Chairman. First, let me reiterate my sense of gratitude to the Government of Mexico for executing a wonderful job in hosting this important conference. I also wish to associate ourselves with the statement delivered by the distinguished delegate from the Republic of Kiribati on behalf of the Pacific Islands and to further acknowledge the statement by the Ambassador from the Kingdom of Tonga.

As stated by representatives of our government during the High-Level Meeting on Nuclear Disarmament, the United Nations must stop the spread of nuclear weapons, while securing peace in a world without nuclear weapons. We urgently renew our call to all states possessing nuclear weapons to intensify efforts to address their responsibilities in moving towards an effective and secure disarmament.

It has been almost 68 years since the General Assembly in its very first resolution established a mechanism for the elimination from national arsenals of nuclear weapons and other weapons adaptable to mass destruction. It has been more than 45 years since the conclusion of the Treaty on Non-Proliferation of Nuclear Weapons. Yet today, we still fear the day where we are forced to relive the horrors. We do not want other people to suffer the same consequences we did!

Mr. Chairman, the Marshall Islands is convinced that multilateral negotiations on achieving and sustaining a world free of nuclear weapons are long overdue. Indeed we believe that states possessing nuclear arsenals are failing to fulfill their legal obligations in this regard. Immediate commencement and conclusion of such negotiations is required by legal obligation of nuclear disarmament resting upon each and every state under Article VI of the Non Proliferation Treaty and customary international law. It also would achieve the objective of nuclear disarmament long and consistently set by the United Nations, and fulfill our responsibilities to present and future generations while honoring the past ones.

Mr. Chairman, let me remind this forum that it was under the UN Trusteeship that the Marshall Islands was used as a testing ground. Today we feel abandoned by the very institutions that were established to protect us. While the decision to take urgent actions towards a nuclear free world is very important, mechanisms to address outstanding issues from past nuclear tests are equally important. We've witnessed far too many human suffering.

ANNEX 73 – T. Graham, Correspondence, “The Origin and Interpretation of Article VI”, 15 *Nonproliferation Review* 7, 9 (2008), available at http://cns.miis.edu/npr/pdfs/151_correspondence.pdf

CORRESPONDENCE 9

questioning the continued relevance of the Statement of Principles and Objectives on Nonproliferation and the Thirteen Steps.

So where are we today on the essential nuclear arms control package that was there at the treaty's creation in 1968? There is still no Comprehensive Nuclear-Test-Ban Treaty in force. Nothing has ever happened toward negotiating a Fissile Material Cutoff Treaty. The five nuclear weapon states made national statements on security assurances, essentially saying that they would not use nuclear weapons against their non-nuclear NPT partners—the non-nuclear weapon states wanted them to be legally binding, but the nuclear weapon states provided only policy statements; nevertheless, the national policies of four of the five NPT nuclear weapon states held open the option of using nuclear weapons against NPT non-nuclear weapon states. Finally, the 1987 Intermediate-Range Nuclear Forces Treaty and the 1991 START provided reductions in nuclear weapons, but there have been no further negotiated reductions in such weapons since these treaties. (The 2002 Moscow Treaty, though valuable, did not involve actual reductions of weapons, only reductions in the number of “operationally deployed” weapons. That is, it did not require the destruction of any of those weapons.) Thus, it is not possible to say that the NPT nuclear weapon states have delivered on their nuclear arms control commitments, which are represented by Article VI.

Giving up forever the most powerful weaponry ever created and joining a treaty that enshrines this principle is not a natural act for a sovereign state, and as the NPT permits a small number of states to have these weapons for many years into the future, it is a political necessity for many

states, in order to create a semblance of equality among treaty parties, not only to have a general article committing the treaty's nuclear weapon states to eventual nuclear disarmament, but also to achieve specific steps in that direction in the shorter term. The NPT is not a gift from the treaty's 182 non-nuclear weapon states to the five nuclear weapon states; it is a political and strategic bargain. The Article VI situation should be readdressed in that light in order to continue to be able to preserve a viable and effective NPT.

Ambassador Thomas Graham Jr.
Chairman, Thorium Power Ltd.
McLean, Virginia

An Argument out of Balance

“Achieving Nuclear Balance” (143, November 2007, pp. 517–523), by Representative Ellen Tauscher, Democrat of California and Chairwoman of the Strategic Forces Subcommittee of the House Armed Services Committee, includes a sobering summary of the dangerous nuclear policies of the Bush administration, including its desire for new nuclear weapons and an expansion of the roles of nuclear weapons. Representative Tauscher has been an important voice of reason in the nuclear debate and one of the primary forces behind efforts to force a fundamental review of the missions of nuclear weapons, to ask what nuclear weapons are for.

Tauscher promotes a robust nuclear doctrine and a continuously modernized nuclear arsenal, exemplified by development of the Reliable Replacement Warhead (RRW). A vote of Congress in December 2007 eliminated the 2008 funding for the

ANNEX 74 – W. Potter, et al, “The 2010 NPT Review Conference: Deconstructing Consensus”, CNS Special Report, James Martin Center for Non-proliferation Studies, June 17, 2010, p. 8, http://cns.miis.edu/stories/pdfs/100617_npt_2010_summary.pdf

global conference in 2014 to begin talks on eliminating nuclear arms “within a specified timeframe.” These proposals—and other attempts to gain support for the idea of a legally-binding or explicit timeframe on disarmament – were resisted by the United States, France, and Russia, who often spoke in concert. The United Kingdom joined in only in the last week as the delegation awaited instructions from its newly formed government, while China tended to be more sympathetic to NAM disarmament proposals. In the Conference’s final days, the question was whether the NWS, particularly France and Russia, could accept compromise language stating that “the final phase of the nuclear disarmament process and other related measures should be pursued within a legal framework with specified timelines.”

The amount of time and heated debate devoted to the question of timelines and legal frameworks at the 2010 RevCon indicates that thinking on this issue has moved forward, and fewer states view the idea of a time-bound framework as premature or impractical. During the deliberations, many NNWS (e.g., Nigeria, Mexico, and Chile) made it clear that they did not seek to impose strict deadlines but rather sought a clear commitment to disarmament from NWS. In the 2010 Final Document’s Conclusions and Recommendations for Follow-on Actions, states agreed to language calling on “all nuclear-weapon States to undertake concrete disarmament efforts” and that “all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons,” noting “the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, *inter alia*, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments.”

China, for its part, blocked a proposal that would have called on the five nuclear weapon states to halt all production of highly enriched uranium and plutonium pending a fissile material treaty. While China is believed to have stopped producing such material, it has not publicly announced a production moratorium, unlike the other four nuclear-weapon states. The draft action plan from Subsidiary Body 1 effectively called for the other four NWS to uphold their moratoria and for China to “consider” one. However, in the president’s final document, the text on a fissile material production moratorium was absent from the forward-looking Conclusions and Recommendations.

A proposal from UN Secretary-General Ban Ki-Moon that received consensus support suggested that if the decade-long deadlock at the Geneva-based Conference on Disarmament (CD) continued until this fall, the Secretary-General should convene a ministerial meeting to help make progress on issues now being considered by that forum, including the FMCT and so-called “negative security assurances”—pledges made by NWS not to use or threaten to use nuclear weapons against NNWS. This idea was recognized in action items 7 and 15 of the Final Document. However, a proposal that would have encouraged the UN General Assembly to “examine how such issues should be pursued” if they had not moved forward by the end of the CD’s 2011 session, effectively taking the FMCT negotiations out of the CD, met with opposition not only from the NWS (particularly Russia and France), but also the majority of NAM, and was dropped from the final text.

In its Nuclear Posture Review, the United States indicated for the first time that it would not launch a nuclear attack against NNWS parties to the NPT in good standing with their nuclear

ANNEX 75 – H. Blix (Chairman), ‘Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms’, *The Weapons of Mass Destruction Commission*, (2006), p. 94,

http://www.un.org/disarmament/education/wmdcommission/files/Weapons_of_Terror.pdf

WMDC RECOMMENDATION

19 Russia and the United States, followed by other states possessing nuclear weapons, should publish their aggregate holdings of nuclear weapons on active and reserve status as a baseline for future disarmament efforts. They should also agree to include specific provisions in future disarmament agreements relating to transparency, irreversibility, verification and the physical destruction of nuclear warheads.

Initiatives involving all states possessing nuclear weapons

It is often forgotten that the NPT nuclear disarmament commitment applies to all states parties. The ‘package deal’ that enabled the indefinite extension of the treaty in 1995 included a call for this goal to be ‘fulfilled with determination’ and urged the nuclear-weapon states to make systematic and progressive efforts to reduce nuclear weapons globally.

This was in 1995. It is easy to see that the nuclear-weapon states parties to the NPT have largely failed to implement this commitment and failed to ‘pursue negotiations in good faith’ on nuclear disarmament as required of them under the NPT. Indeed, all states that have nuclear weapons are still seeking to modernize their nuclear capabilities.

There is an urgent need for a change of attitude and for progress in this area. Whether or not parties to the NPT, states that have acquired nuclear weapons must decide without further delay how they can contribute to the nuclear disarmament process. The United States and Russia have huge nuclear arsenals that no longer serve the original purpose of mutual deterrence. They have also not engaged in any serious bilateral disarmament talks since concluding SORT in 2002. Progress in implementing the deep reductions proposed above would encourage some downward movement in the size of nuclear arsenals in other states. Individually or jointly, all state possessing such weapons must participate in this global effort. Having unilaterally decided long ago to enter the nuclear club, all nuclear-weapon states must now recognize that it is their duty to exit.

France and the UK will have to decide whether it will be meaningful to retain costly nuclear arsenals that were developed for an enemy that no longer exists, in order to meet hypothetical threats against which such weapons are of questionable value. Both countries are now at a crossroads: going down one road would show their conviction that nuclear weapons are not necessary for their security, while the other would demonstrate to all other states a belief

ANNEX 76 – G. Mukhatzhanova, “Implementation of the Conclusions and Recommendations for Follow-on Actions Adopted at the 2010 NPT Review Conference: Disarmament Actions 1-22”, *2014 Monitoring Report, James Martin Center for Non-proliferation Studies*, (2014), p. 1, http://www.nonproliferation.org/wp-content/uploads/2014/04/CNS-Monitoring-Report-2014_web.pdf

INTRODUCTION

The ninth review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is entering its final year. On April 28-May 9, 2014, NPT states parties will gather for the third session of the Preparatory Committee (PrepCom) in New York to continue the discussion of the implementation of the treaty and decisions of past Review Conferences (RevCon). The previous Review Conference concluded on May 28, 2010 with the adoption by consensus of Conclusions and Recommendations for Follow-on Actions, now known as the 2010 Action Plan.¹ The conclusions and Recommendations contain 64 action items across the three “pillars” of the NPT: nuclear disarmament, nonproliferation, and peaceful uses of nuclear energy, and an endorsement of a set of practical steps regarding the implementation of the 1995 resolution on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction (WMD) in the Middle East.

This is the third Action Plan monitoring report produced by the James Martin Center for Nonproliferation Studies (CNS). It reviews the implementation of the first 22 action items on nuclear disarmament as well as the recommendations on the Middle East. The report covers the developments since the 2010 Review Conference but, wherever possible, highlights in particular the period from April 2013 to April 2014.

The Action Plan is expected to serve as the basis for review at the next NPT Review Conference. However, due to a growing divergence of views on what constitutes an appropriate pace of implementation, particularly of the disarmament section, states parties might be heading toward a serious confrontation in 2015. The nuclear-weapon states (NWS) have taken a very long-term view of the Action Plan, and in their statements suggest that the Action Plan endorses the step-by-step approach and is the *only* viable path for nuclear disarmament and the NPT. On the other hand, slow progress on disarmament feeds discontent among the non-nuclear-weapon states (NNWS) and stimulates the search for ways to push for more ambitious measures. Thus, the NNWS have started to take more initiative in the past two years, which has led to the convening of two conferences on the humanitarian impact of nuclear weapons and a High-Level Meeting of the UN General Assembly on Nuclear Disarmament, as well as the establishment of an Open-Ended Working Group on taking forward multilateral nuclear disarmament negotiations (OEWG). The NWS have reacted negatively to all three developments and did not participate in the humanitarian impact conferences and the OEWG. Bridging this growing divide between the nuclear and non-nuclear weapon states would be crucial for the outcome of the 2015 Review Conference, and without more substantive progress on disarmament action items and constructive NWS-NNWS conversation on the humanitarian dimension, such a bridge is hard to imagine.

Overview of Findings

Overall progress in implementing disarmament action items since 2010 has been very limited and has not improved since the 2013 PrepCom. Many of the measures implemented during the reporting period were, in fact, initiated or planned before the adoption of the Action Plan, whereas actions that

¹ The review of treaty implementation was not agreed by consensus but rather issued under the responsibility of the President of the 2010 Review Conference, reflecting his view of discussions during the RevCon.

ANNEX 77 – G. Evans, T. Ogilvie-White and R. Thakur, *Nuclear Weapons: The State of Play 2015* (Centre for Nuclear Non-Proliferation and Disarmament, February 2015), <https://cnnd.crawford.anu.edu.au/publication/cnnd/5328/nuclear-weapons-state-play-2015>

1. NUCLEAR DISARMAMENT

- §1.1 Overview
- §1.2 Objectives and General Strategy
- §1.3 Disarmament Principles
- §1.4 Reducing Weapons Numbers
- §1.5 Nuclear Doctrine
- §1.6 Nuclear Force Posture
- §1.7 Parallel Security Issues
- §1.8 Mobilizing Political Will

§1.1 Overview

1.1 In 2014, unhappily, there were still an estimated 16,372 nuclear warheads distributed among nine nuclear-armed states. More than 90 per cent of these are in Russian and US arsenals. There are many fewer nuclear weapons today than during the Cold War, and the risk of deliberate nuclear weapons use by the United States or Russia may well be negligible. Yet, paradoxically, the overall risks of nuclear war have grown – as more countries in more unstable regions have acquired these deadly weapons, terrorists continue to seek them, and as command and control systems in even the most sophisticated nuclear-armed states remain vulnerable not only to system and human error but, increasingly, to cyber attack. Even a “limited” regional nuclear war could have catastrophic global consequences.

1.2 While the need for total nuclear disarmament is more urgent than ever, its achievement remains little or no closer, both among the nuclear-weapon states (NWS) as defined in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), viz. China, France, Russia, the United Kingdom and the United States; three nuclear-armed states outside the NPT, viz. India, Israel, and Pakistan; and North Korea, the world's only NPT breakout state. There has been some progress in reducing the overall US and Russian nuclear weapons stockpiles and the number of deployed strategic weapons, and in improving transparency among some NWS. But there has been only minimal progress in shifting nuclear doctrines and postures, and no progress in either taking weapons off high-alert launch status, or in addressing the issues of ballistic missile defence and conventional arms imbalances, differences over which are presently seriously inhibiting further disarmament movement. In 2014 the Russia–West stand-off over the crisis in Ukraine made early progress in the nuclear arms control agenda even less likely.

ANNEX 78 – Hansards, HC Deb, 27 November 1968, vol. 774, cc501-5501,
<http://hansard.millbanksystems.com/commons/1968/nov/27/non-proliferation-treaty>

Mr. Mulley I am obliged. One of the important aspects of the Treaty is the firm commitment to further measures of nuclear disarmament. There is general agreement, I think, that a comprehensive test ban should be one of the early measures. My hon. Friend will know that I made an initiative in this regard in July at Geneva. I hope that we can make

13/03/2015 15:14

PROLIFERATION TREATY (Hansard, 27 November 1968)

<http://hansard.millbanksystems.com/commons/1968/nov/27/non...>

progress shortly when those discussions resume in the new year.

Mr. Eldon Griffiths Since four members of the United Nations voted against the Treaty and 22 abstained, and the President-Elect of the United States has grave doubts over signing it while Soviet troops are in Czechoslovakia, how soon does the right hon. Gentleman expect that it will take effect? In view of the fact that, on the very day of that invasion, the United States and the Soviet Union were about to go further in talks on offensive ballistic missiles, and this was stopped by the events in Czechoslovakia, does the right hon. Gentleman not agree that Mr. Nixon has good cause for caution?

Mr. Speaker Order. Questions must be reasonably brief.

ANNEX 79 – International Panel on Fissile Materials, *Global Fissile Material Report 2013*, p. 3, <http://ipfmlibrary.org/gfmr13.pdf>

The United States, United Kingdom, Russia, France and China have all stopped producing HEU for weapons as well as any other purpose, in some cases decades ago. The first four of these states have made official declarations to this effect, China has done so informally. In 2012, Russia announced that it was resuming limited production of HEU for naval and fast reactor fuel. India is also producing HEU for naval fuel. Pakistan is producing HEU for weapons. It is possible that North Korea also may be producing HEU for weapons.

The global stockpile of separated plutonium in 2012 was about 495 ± 10 tons. Almost half of this stockpile was produced for weapons, while most of the rest has been produced in civilian programs in nuclear weapon states. As a result, about 98% of all separated plutonium is in the nuclear weapon states. Most of the uncertainty is due to a lack of official information about Russia's plutonium production history.

In 2012 the United States provided an update of its history of production and use of weapons plutonium and on its plutonium stockpile as of September 2009. Its earlier declaration was in 1996. The United Kingdom also has declared the size of its weapons plutonium stockpile, but only once, in 2000. The other nuclear weapon states have made public no information on their current holdings or production of weapons plutonium, other than announcing an end to production for weapon purposes. Again, China has indicated this only informally.

Israel, India, and Pakistan continue to produce plutonium for weapons. In September 2013, North Korea appears to have resumed production in its previously disabled reactor at Yongbyon. Nonetheless, there has been a net decrease in the global plutonium stockpile available for weapons in recent years as the United States has reported sending 4.4 tons of plutonium declared excess for national security needs for disposal as waste in the Waste Isolation Pilot Plant in New Mexico. This disposal has not been verified independently by international inspectors, however.

Increasing Transparency

The focus of this report is increasing transparency of nuclear warhead and fissile material stockpiles. Under the terms of the 2010 "Action Plan on Nuclear Disarmament," the NPT nuclear weapon states agreed to cooperate on steps to increase transparency and develop verification capabilities related to nuclear disarmament and in particular to report information that can further openness and verification. The nuclear weapon states are expected to report to the NPT Preparatory Committee in 2014 on progress towards meeting these obligations.

Chapter 2 of *Global Fissile Material Report 2013* lays out proposals for steps towards greater transparency that could be adopted by the NPT weapon states as part of this process. These proposals were presented by IPFM in Vienna in May 2012 and in April 2013 in Geneva at the meetings of the Preparatory Committee (PrepCom) for the 2015 NPT Review Conference. These are summarized briefly below.

ANNEX 80

ANNEX 80 – Statement by H.E. Mr. Edi Yusup, Ambassador and Deputy Permanent Representative of the Republic of Indonesia in Geneva, on behalf of the Group of Member States of the Non-Aligned Movement Parties to the [NPT], Cluster 1 Specific Issues, Nuclear disarmament and security assurance, 25 April 2013, Geneva, pp. 1-2, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom13/statements/25April_NAM.pdf

6. While noting reductions of nuclear weapons declared by some NWS, the Group stresses that any such reductions are undermined by the modernization of nuclear weapons, and their delivery systems, and related infrastructure by the NWS. In order to comply with their obligations under Article VI of the Treaty, as well as with their commitments under the 13 practical steps and 2010 Action Plan

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on nuclear disarmament, the NWS must immediately cease their plans to further invest in modernizing, upgrading, refurbishing, or extending the lives of their nuclear weapons and related facilities.

ANNEX 81 – J. Ruzicka and N.J. Wheeler, “The Puzzle of Trusting Relationships in the Nuclear Non-Proliferation Treaty”, *International Affairs*, Vol. 86(1) (2010), <http://www.posse.gatech.edu/sites/posse.gatech.edu/files/The%20puzzle%20of%20trusting%20relationships%20in%20the%20Nuclear%20Nonproliferation%20Treaty.pdf>

The NNWS assumed a potentially great vulnerability, because by forsaking the possibility of getting nuclear weapons, they exposed themselves to the actions of the NWS, as a result of which they could face negative consequences such as nuclear blackmail. The basic bargain of the NPT thus represents a trusting relationship. There would have been little incentive for those who signed the treaty to do so if they thought they could not trust the other parties. To be sure, some states might have been pressured into accepting the treaty by the superpowers through a mix of sticks and carrots (e.g. a system of verification, security guarantees, and the determination to keep Germany and Japan denuclearized) that would generate a favourable set of pay-offs, while others might have signed the NPT because of their own normative commitments (e.g. believing that the possession and proliferation of nuclear weapons were taboo). But probably no state that signed the treaty fell entirely into just one of these categories.

For most states, the decision to enter into the treaty reflected a mix of interests and values. In accepting the treaty, they exhibited trust, no matter how weak. In fact, the reluctance of a number of states—both NWS (e.g. France, China) and NNWS (e.g. India, Brazil, West Germany, Japan, Spain)—to sign and/or ratify the treaty even after it came into effect in 1970 shows that these states were, to varying degrees, unwilling to accept the bargain.²¹ In other words, they did not have trust in the treaty and refused to enter into the trusting relationship with other signatories.

The basic bargain of the NPT has often been described as unequal and derided for creating two classes of states.²² The NWS are said to have got a much better

²¹ See e.g. H. Jon Rosenbaum and Glenn M. Cooper, ‘Brazil and the nuclear non-proliferation treaty’, *International Affairs* 46: 1, Jan. 1970, pp. 74–90; John E. Endicott, ‘The 1975–76 debate over ratification of the NPT in Japan’, *Asian Survey* 17: 3, March 1977, pp. 273–92.

²² David Vital, ‘Double-talk or double-think? A comment on the draft Non-Proliferation Treaty’, *International Affairs* 44: 3, July 1968, pp. 419–33; Lincoln P. Bloomfield, ‘Nuclear spread and world order’, *Foreign Affairs* 53: 4, July 1975, pp. 743–55.

deal than the NNWS. Whereas the latter are to oblige immediately and not to pursue nuclear weapons, the former make a rather vague future commitment. While this is quite true, it is also indisputable that even the NWS signing the NPT have entered into a trusting relationship. By agreeing to the right of all signatories of the NPT to pursue civilian nuclear programmes, albeit subject to safeguards administered by the International Atomic Energy Agency (IAEA), the NWS have accepted (along with the NNWS, to be sure) the potential vulnerability inherent in the possibility of a state mastering the fuel-cycle and thereby becoming a 'virtual' nuclear weapon state.²³ Thus all states that are party to the NPT, irrespective of their nuclear status, enter into a trusting relationship with each other. The difference is in the degree of vulnerability to which the two groups of states are exposed as a result of exhibiting trust.

As we argued above, the initial expression of trust manifested by entering into a trusting relationship can be either strengthened or weakened. The NWS have had the opportunity to strengthen trust by making progress towards nuclear disarmament, while the NNWS have had the opportunity to do so by agreeing to more stringent measures of verification. Conversely, little or no movement in either of these two areas, or a reversal in the form of growing nuclear armaments by the NWS and/or a buildup towards nuclear weapon capability by the NNWS, would lead to the erosion of the initial trusting relationship or, at best, its stabilization at a very low level.

ANNEX 82 – A. Cassese, *The Israel-PLO Agreement and Self-Determination*, 4
European Journal of International Law 567 (1993),
<http://www.ejil.org/pdfs/4/1/1219.pdf>

The Israel-PLO Agreement and Self-Determination

So much for *pacta de contrahendo*. Do *pacta de negotiando* also impose any binding obligation? The answer is in the affirmative, although here the content of the obligation is more tenuous: the Parties are simply duty bound to enter into negotiations. However, both Parties are not allowed to (1) advance excuses for not engaging into or pursuing negotiations or (2) to accomplish acts which would defeat the object and the purpose of the future treaty. On this point international case-law is very clear and always demands full observance of good faith. To mention just one case, in the arbitral award of 24 March 1982 in *Aminoil*, it is apparent that, when embarking upon negotiations, the Parties are bound to comply with the 'general principles that ought to be observed in carrying out an obligation to negotiate', namely 'good faith as properly to be understood; sustained upkeep of the negotiations over a period appropriate to the circumstances; awareness of the interests of the other party; and a persevering quest for an acceptable compromise'.⁷ It should be added that emphasis on good faith is also laid down by the international legal literature.⁸

ANNEX 83 – UN Secretary-General, Message to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, Vienna, 8 December 2014.
http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HI_NW14/HINW14_Message_from_UN_Secretary_General.pdf

These conferences have deepened our knowledge of the risks of use and the fundamental inability of our emergency response system to cope. The more we understand about the humanitarian impacts, the more it becomes clear that we must pursue disarmament as an urgent imperative.

No country disputes the desirability of achieving a nuclear-weapon-free world. After all, this was the very first objective identified by the United Nations General Assembly. The universal acceptance of this goal led the International Court of Justice to

determine that the disarmament obligation transcends any treaty and is a requirement under customary international law.

I hope all participants come away with new resolve to pursue effective measures for the achievement of nuclear disarmament.

Please accept my best wishes for a successful conference.

ANNEX 84 – Hansard, HC Deb, 19 June 1989, vol. 155, cc.31-3W,
<http://www.publications.parliament.uk/pa/cm198889/cmhansrd/1989-06-19/Writtens-4.html>

Nuclear Non-proliferation Treaty

Mr. Flynn : To ask the Secretary of State for Foreign and Commonwealth Affairs if he has ascertained from the Government of the People's Republic of China the terms on which they would be prepared to sign the nuclear non-proliferation treaty.

Mr. Waidegrave : Although we have regularly pressed the Government of the People's Republic of China to accede to the nuclear non-proliferation treaty, they have not given us any indication of the terms on which they would be prepared to do so.

Mr. Flynn : To ask the Secretary of State for Foreign and Commonwealth Affairs if he is aware of the conditions set by Argentina before that state will sign the nuclear non-proliferation treaty.

Mr. Waidegrave : To the best of our knowledge the Government of Argentina has not specified conditions under which Argentina would accede to the nuclear non-proliferation treaty.

Mr. Flynn : To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the last eight countries to sign the nuclear non-proliferation treaty giving the date of signature in each case.

ANNEX 85 – Yearbook of the International Law Commission. 1966, Volume II, p. 211: commentary on draft Article 23 (Pacta Sunt Servanda), para. 4, http://legal.un.org/ilc/publications/yearbooks/Ybkvolumes%28e%29/ILC_1966_v2_e.pdf

Commentary

(1) *Pacta sunt servanda*—the rule that treaties are binding on the parties and must be performed in good faith—is the fundamental principle of the law of treaties. Its importance is underlined by the fact that it is enshrined in the Preamble to the Charter of the United Nations. As to the Charter itself, paragraph 2 of Article 2 expressly provides that Members are to “fulfil in good faith the obligations assumed by them in accordance with the present Charter”.

(2) There is much authority in the jurisprudence of international tribunals for the proposition that in the present context the principle of good faith is a legal principle which forms an integral part of the rule *pacta sunt servanda*. Thus, speaking of certain valuations to be made

with the nullity of treaties and with their termination. Consequently, from a drafting point of view, it seemed necessary to specify that it is treaties in force in accordance with the provisions of the present articles to which the *pacta sunt servanda* rule applies. The words “in force” of course cover treaties in force *provisionally* under article 22 as well as treaties which enter into force definitively under article 21.

(4) Some members felt that there would be advantage in also stating that a party must abstain from acts calculated to frustrate the object and purpose of the treaty. The Commission, however, considered that this was clearly implicit in the obligation to perform the treaty in good faith and preferred to state the *pacta sunt servanda* rule in as simple a form as possible.