

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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The need to enhance the commitment to nuclear disarmament and promotion of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Libyan Arab Jamahiriya

1. The world is becoming increasingly aware that international peace and security cannot be achieved while certain States possess or threaten to use nuclear weapons. Instead, practical and tangible steps should be taken towards full and comprehensive disarmament in order to ensure non-proliferation. The nuclear arms race should be halted, and fruitful cooperation between States consolidated. The best safeguard against the use of nuclear weapons is to ensure that they are not produced or developed, and to destroy stockpiles in a verifiable manner and under international control.
2. In its advisory opinion of 8 July 1996 concerning the legality of the threat or use of nuclear weapons, the International Court of Justice stated, *inter alia*, that the threat or use of nuclear weapons would in particular be contrary to the rules of international humanitarian law applicable in cases of armed conflict, and that there existed an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament under strict international control.
3. It is a cause for concern that, over four decades after the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, the dangers posed by nuclear weapons continue to exist because a limited number of States have retained their nuclear arsenals and placed them in a state of high alert. Unfortunately, as there has been no tangible progress towards full nuclear disarmament, the objectives of the Treaty have not been achieved. They will remain a distant prospect so long as the sole point of emphasis is the commitment of non-nuclear States to refrain from acquiring nuclear weapons. Meanwhile, nuclear States fail to take any practical, tangible steps towards full nuclear disarmament. Nuclear States might argue that the acquisition and development of nuclear weapons are a part of their security and defence strategy, and are necessary in order to preserve world peace. Such justifications are unacceptable. According to that logic, it would also be a contribution to world peace if all States acquired nuclear weapons. The measures taken by nuclear States towards full and comprehensive disarmament therefore lack credibility.



4. In 2003, the Libyan Arab Jamahiriya took unilateral steps to renounce all programmes and facilities that could be used to produce internationally banned weapons. The Libyan Arab Jamahiriya has come to be convinced that the non-proliferation regime can remain in place only if nuclear States provide sufficient evidence of their commitment to implement the provisions of the Treaty, and in particular article VI. They should take effective action to implement immediately the 13 practical steps agreed to at the 2000 Review Conference as a benchmark for progress. Such action should be transparent, verifiable and irreversible. It should include a tangible decrease in current nuclear arsenals, an end to production, and the destruction of stockpiles in a verifiable manner and under international control. As is well known, the 2000 Review Conference agreed on an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

5. If we truly wish to eliminate nuclear weapons in a transparent and internationally verifiable manner, the time has come to strengthen the commitments that arise from the Treaty by strengthening the text of the Treaty. The Libyan Arab Jamahiriya understands that any amendment to the Treaty should be made in accordance with the procedures set forth therein, in particular in article VIII, and that the Review Conference does not have the authority to amend the Treaty. However, those facts are not incompatible with a desire to formulate proposals intended to strengthen the text of the Treaty, in a context of constructive dialogue and fruitful cooperation between States parties, with a view to reaching a consensus on the necessary amendments and convening a conference of States parties in order to achieve that goal. The amendments proposed by the Libyan Arab Jamahiriya consist of the following additional paragraphs.

I. The addition of a paragraph to the preamble, as follows:

Calling upon all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty, thereby bringing the treaty into force at an early date.

II. The addition of two paragraphs to article VI, as follows:

(a) All nuclear-weapon States Party to the Treaty undertake to pursue general and complete disarmament under strict and effective international control.

(b) Each nuclear-weapon State Party undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, for the primary purpose of the verification of the fulfilment of its obligation to achieve full and comprehensive nuclear disarmament.

6. The proposed additional paragraphs to the Treaty would strengthen and codify existing initiatives and commitments with regard to nuclear disarmament and would create momentum towards the ultimate goal of completely eliminating nuclear weapons throughout the world in a transparent and verifiable manner, under the supervision of the International Atomic Energy Agency (IAEA).

7. The Libyan Arab Jamahiriya believes that all States have the right to develop their capacity to use nuclear energy, and to carry out nuclear enrichment, for

exclusively peaceful purposes. In order for the Agency to have a truly international character, action should be taken to balance its monitoring and inspection roles, and to extend its authority to include all States, whether nuclear or non-nuclear. If its role is limited to dealing with non-nuclear States, then it will lose its international character and legitimacy, and its existence will not be recognized henceforth.

8. Achieving the universality of the Treaty is a fundamental condition for its effectiveness and credibility. That universal adherence to the Treaty has yet to be achieved affirms the importance of the full implementation of the outcomes of the 1995 Review and Extension Conference and of the 2000 Review Conference, in particular the resolution on the Middle East. In the absence of universal adherence to the Treaty, the situation in the Middle East continues to serve as a flagrant example of how ineffective the Treaty has been in helping States parties achieve security. While the States of the region have acceded to the Treaty and have placed their nuclear facilities under the comprehensive safeguards regime of IAEA, Israel remains outside the Treaty and continues to engage in non-peaceful nuclear activities without any international supervision. In order to strengthen the effectiveness and credibility of the Treaty and the decision that it should continue in force indefinitely, it is vital that the 2010 Review Conference should adopt an effective plan of action for achieving universal adherence to the Treaty that includes a series of practical measures aimed at achieving its universality in a systematic and gradual manner, in accordance with the principles and objectives set forth in Decision 2 of the 1995 Review Conference.

9. Urgent action should be taken to adopt an unconditional and legally binding international instrument in order to provide security assurances to non-nuclear-weapon States regarding the use or the threat of the use of nuclear weapons against them. Such assurances would undoubtedly serve to reinforce the objectives of the Treaty.

10. During their fifteenth summit held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, the Heads of State and Government of the Non-Aligned Movement affirmed their principled positions on nuclear disarmament. They stressed that efforts aiming at nuclear non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament. They also reaffirmed the need for the Conference on Disarmament to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including the conclusion of a nuclear weapons convention.

11. The Libyan Arab Jamahiriya would welcome any serious nuclear disarmament initiative, and in that regard takes note of the stated intention of Mr. Barack Obama, President of the United States of America, to take new and positive steps towards nuclear disarmament, notably in the context of the ongoing discussions between the United States of America and the Russian Federation to rid the world of nuclear weapons. It also takes note of his stated desire to move towards ratification of the Comprehensive Nuclear-Test-Ban Treaty and to initiate negotiations for a treaty to prohibit the production of fissile materials for nuclear weapons purposes. The Libyan Arab Jamahiriya stresses that these intentions must be translated into substantive measures, including a timetable for the elimination of all nuclear weapons, in order for the world to see progress towards implementation of article XVI of the Treaty on the Non-Proliferation of Nuclear Weapons.