Disarmament Commission
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Working paper submitted by India

General overview

- The world should seek the total elimination of nuclear weapons in an equitable and balanced manner that ensures the right of each State to security, with no individual State or group of States obtaining advantage over others at any stage. This is the only way to prevent the use or threat of use of nuclear weapons.

- The tenth special session of the General Assembly, held in 1978, the first special session devoted entirely to disarmament, called for a comprehensive, phased programme with agreed time frames, wherever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.

- The end of the cold war provided a window of opportunity to establish a new system of international security based on the principles of the Charter of the United Nations. Instead, we have seen the updating of strategic defence doctrines that set out new rationales for the use of nuclear weapons. This situation threatens to further erode an international climate conducive to nuclear disarmament and legitimate security for all.

- The International Court of Justice concluded in 1996 that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control” (Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 8 July 1996 (A/51/218, annex).

- The world is waiting in vain to see a just outcome emerge from a flawed and discriminatory non-proliferation regime, which was crafted outside the United Nations system. Commitments made at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons remain to be honoured in an unequivocal manner.
• The promise of deep, progressive and irreversible reductions inherent in unilateral and bilateral efforts remains to be fully implemented and may even be threatened by the unravelling of solemn agreements and treaties which served valuable stabilizing roles.

• There remains no justification in the present circumstance for maintaining thousands of nuclear weapons in a state of hair-trigger alert, involving unacceptable risks of unintentional or accidental use.

Current developments

• The conclusion of the signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty and its early entry into force in accordance with constitutional processes.

• Unequivocal understanding by the nuclear-weapon States parties to the Comprehensive Nuclear-Test-Ban Treaty with respect to accomplishing the total elimination of their nuclear arsenals leading to nuclear disarmament.

• The programme of action for the elimination of nuclear weapons on negotiating a phased programme within a fixed period of time for the complete elimination of nuclear weapons as proposed by the Group of Twenty-eight (G-28) and contained in document CD/1419.

• Secretary-General’s proposal on an international conference on eliminating nuclear dangers.

• General Assembly resolution proposing a convention on the prohibition of the use of nuclear weapons.

• United Nations Millennium Declaration’s call to strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving that aim, including the possibility of convening an international conference to identify ways of eliminating nuclear danger (General Assembly resolution 55/2, para. 9).

• Establishment of nuclear-weapon-free zones by arrangements freely arrived at among States in different regions.

• Bilateral commitments to reduce nuclear weapons under the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START) process.

• Unilateral steps undertaken by States including a moratorium on nuclear weapon test explosions or any other nuclear explosions.

Ways and means to achieve nuclear disarmament

• Reduce the salience of existing nuclear weapons by removing the first-use posture from security doctrines. A global no-first-use agreement should be reached, which would include a non-use agreement against non-nuclear-weapon States.

• Prevent unintentional and accidental use of nuclear weapons by altering operational aspects of the weapons. This step would be in keeping with a no-first-use posture. For this purpose, convene an international conference to
identify ways of eliminating nuclear danger proposed by the Secretary-General and endorsed by the Millennium Summit of the United Nations.

• Countries with the largest nuclear arsenals have to assume the initial responsibility for moving forward the reduction of nuclear weapons. They should revitalize unilateral and bilateral nuclear reduction processes, which should be further complemented by reductions within a multilateral framework.

• Those who possess nuclear weapons should commit themselves to not deploying them outside their own national territories.

• Eliminate all tactical nuclear weapons as part of a step-by-step, progressive effort to eliminate all nuclear weapons.

• In order to move beyond political commitments into the realm of a binding legal convention, as was done in the case of biological and chemical weapons, it is necessary to negotiate, in the Conference on Disarmament, a convention on the prohibition of the use or threat of use of nuclear weapons.

• In accordance with the provisions of the Final Document of the first special session of the General Assembly devoted to disarmament (SSOD-I) and the guidelines laid down by the Disarmament Commission, encourage establishment of nuclear-weapon-free zones, by arrangements freely arrived at among the States of the region.

• Meanwhile, the Conference on Disarmament should without further delay establish ad hoc committees with appropriate mandates to undertake substantive negotiations for the elimination of nuclear weapons and related issues such as a fissile material cut-off treaty and negative security assurances.

• The Disarmament Commission should frame its recommendations and report in such a manner that the measures contained therein will be applicable universally and not merely to States parties to treaties or groupings outside the United Nations system.