

# The Ahrweiler Declaration

*Against Nuclear Deterrence*

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**Statement of the German Section of IALANA on the Occasion of the 8th Review  
Conference of the Non-Proliferation Treaty**



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## **I. The Myths and Fairy Tales of the Nuclear Age**

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We are told:

- Since we have nuclear weapons in the world the “genie is out of the bottle” and we must now live with them forever. No one can reverse the existence of nuclear weapons and of the related know-how.
- It is pessimists and alarmists who spread the view that nuclear weapons could be used at any time; the experiences since 1945 contradict these scare tactics.
- Nuclear weapons have had even a positive effect: Since the 1945 atomic bombings of Hiroshima and Nagasaki they have saved the world from a nuclear conflict and have ensured a long period of peace. They themselves are therefore the best deterrent against a use of nuclear explosives and against military attacks.
- Nuclear weapons are now only “political weapons”, which only deter and should never be used.
- If there were nevertheless a decision to use nuclear weapons, it would never be without the required, careful consideration of the responsible statesmen involved. One can count on that.
- The nuclear powers are responsible states. It is completely legitimate and legal, that they have nuclear weapons at their disposal.
- The International Atomic Energy Agency (IAEA) monitors all nuclear fission products and waste. As a result of this monitoring system, the components for the manufacture of nuclear weapons are not accessible. If any state were to depart from this monitoring system, it could easily be brought back to the right path, as is shown by the case of Iraq.

Until today, these cleverly orchestrated and subtly acting myths have not lost their power of persuasion over many people.

## **II. Has Deterrence with Nuclear Weapons Secured the Peace so far?**

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Contrary to the widely held opinion, which always reasserts that the nuclear deterrence system has impressively demonstrated its effectiveness and functionality during and after the Cold War and until today, it should be noted that the number of situations in which the world has been close to the nuclear abyss in recent decades is considerably high. Most people do not know this, or at any rate are not even aware of it. In the past sixty years there have been at least twenty critical situations – both in the East<sup>1</sup> and the West<sup>2</sup> – where the world stood

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1) See, for example an incident on 9/26/1983, when the 44-year old Lieutenant Colonel Stanislaw Petrov was in command of the duty unit of the command center Serpukhov-15 near Moscow. After midnight, a sudden atomic alarm was triggered. The Oko-Soviet satellite of the Kosmos 1381-class reported at 12:40 a.m. that an American Minuteman missile was approaching. This was followed by indications of the start of a second, third, fourth, and fifth missile heading towards the USSR. An officer on duty in such a case has only five to ten minutes to identify the missiles beyond reasonable doubt. After that Yuri Andropov, former Soviet Communist party General Secretary and Soviet commander in chief had to be informed. Had he chosen to retaliate defensively seven minutes later by firing intercontinental missiles, like SS-18s, towards Washington, New York, and several U.S. military bases, it would have certainly led to the doctrine of “mutually assured destruction”. But Lieutenant Colonel Petrov hesitated, because the ground warning system was not confirmed by the

on the brink of nuclear inferno. However, due to very fortunate circumstances, the world escaped falling into the abyss of a disastrous nuclear situation. The survival of mankind in the nuclear age in recent decades is due in part – as the former US Defense Secretary Robert McNamara formulated— to fortunate coincidences.<sup>3</sup>

The survival of mankind and of this planet can no longer be left to such “fortunate coincidences”. Security strategies which are based on mega-risks, including a nuclear inferno, are inhumane and ultimately criminal.

### **III. The Contradictions of Nuclear Deterrence**

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All concepts and strategies of nuclear deterrence assume that potential adversaries could effectively be deterred from either a nuclear or non-nuclear attack, by inflicting on the adversary a devastating military retaliation, causing unacceptable consequences and damages, and possibly leading to total destruction in a nuclear inferno. In order to credibly demonstrate one’s ability and readiness for such a reaction appropriate military equipment and weapons systems, logistic facilities and strategies and use-doctrines are required.

But the constitutive component for the “functioning” of deterrence logic is always logical, i.e. that one is dealing with an opponent making rational decisions on the basis of rational calculations based on sufficient information, including ad hoc information.

The concept of deterrence, therefore, cannot function on its own “logic” when it comes to the deterrence of an “irrational” opponent. This can, for example, be the case when the opponent

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signal emitted by the satellite. It was possible that the satellite had been triggered by the influence of cosmic radiation. “It is impossible to thoroughly analyze the events in a few minutes,” said Petrov of the incident, twenty years later, “You have to rely only on intuition.” On September 26 1983 Petrov decided intuitively and ignored the false alarm. Stanislaw Petrov was neither reprimanded nor rewarded for his actions. It was not until two decades later that the American Association of World Citizens gave him the “World Citizen Award” on May 21, 2004 for helping to “prevent the Third World War”. Even after that, similar events occurred, such as on January 25, 1995, when Russian technicians tracked down on their radar screens and shot down a U.S. rocket from Andoya, a small island off the Norwegian coast. What looked on their radar screens like the track of further missiles were just ejected stages of the rocket’s propulsion. The launch was agreed upon, although the Russian military had previously announced that a consensus was not reached. A few minutes later Russian President Boris Yeltsin – both physically afflicted and alcohol dependent – would have had the time to make a decision for nuclear retaliation (see Mark, Nuclear War By Mistake, in [http://wienerzeitung.at/app\\_support/print](http://wienerzeitung.at/app_support/print) (26/05/2009)).

2) See, for example, the extremely dramatic technical breakdown that occurred on November 9, 1979 in the situation room of the U.S. air defense command station. On that day, “Enemy Attack” was reported at the “World Wide Military Command and Control System” on its electronic scoreboard. It decoded the message as a nuclear attack by several missiles from a Soviet nuclear submarine in the North Atlantic. In no time U.S. forces met to prepare a nuclear counterstrike. The U.S. and Canadian interceptors had already gone up, for the immediate firing of intercontinental ballistic missiles, when it turned out that the computer had mistakenly played back the text of a test strip, see *Der Spiegel*, No 34 from 28.4.1980, p. 198.

3) “I want to say – and this is very important, -at the end we lucked out. It was luck that prevented nuclear war. We came that close to nuclear war at the end.” (words taken from the Oscar-winning 2003 film “The Fog of War. Eleven Lessons from the Life of Robert S. McNamara” by Errol Morris, quotation from: <http://ecoglobe.ch/nuclear/d/drs15201.htm> (26.05.2009); see also Robert McNamara/James Blight, *Wilson’s Ghost*, New York, 2001, pp. 180 ff

is not receptive to “rational” arguments, as when “– for whatever reason –he is not able or willing to weigh the rationality of the case. Historical examples of such “deterrence-resistant” opponents, in any case, were not exactly rare in the 20<sup>th</sup> century, the bloody “age of extremes”. Just imagine what would have happened if the party to be deterred had had nuclear weapons.

But even in the case of a fundamentally “rational opponent”, the viability of nuclear deterrence (as well as so-called conventional deterrence) depends on the circumstances of the particular temporal and informational capacity available to critical decision-making situations at the time, in which the required level to assess each estimate rises with the available limited time allowing for conclusions to be drawn.

The logic of “deterrence works” does not function either and reaches dangerous limits where human miscalculation or “technical failure” are present. This is the case when defects creep into communication systems and make it difficult or even impossible for the other side to safely diagnose a situation given a very short warning time e.g. to determine whether the data available from the computer systems indicate an enemy attack or not.

And finally: nuclear deterrence is useless against terrorist groups and suicide bombers, who do not recoil in fear before either nuclear explosives or their own death.

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#### **IV. Collective/Common Security rather than Nuclear Deterrence**

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The so-called Palme Commission, which consisted of 19 important politicians and experts from the East and West, North and South, including the previous German Federal Minister and disarmament expert Egon Bahr, analyzed the life-threatening consequences of the doctrine of deterrence in the heyday of the Cold War and drew many remarkable conclusions, which they summarized in an alternative concept, “common security”:

“In today’s times, security can not be gained only through one method. We live in a world in which economic, politic, cultural and particularly military structures are increasingly dependent on one another. The security of one nation cannot be bought at the expense of other nations”<sup>4</sup>

In this nuclear age of mutually assured destruction, security therefore cannot be achieved against the potential enemy but only with that enemy.

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#### **V. The Obligation for Complete Nuclear Disarmament**

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“There exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”.

The International Court of Justice (ICJ) in The Hague, the so-called World Court, unanimously established this obligation on July 8, 1996, announcing an epochal opinion of international law. This legal opinion was requested from the ICJ by the UN General Assembly on the basis of Article 96 of the UN Charter. The UN General Assembly – against the bitter opposition of the nuclear weapons states and their allies –had thus made the global

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4) See The Palme Report, edited by Olof Palme/ H. Rogge, Berlin 1982

initiatives of citizens' movements and NGOs, such as the "World Court Project", especially tIPPNW, the International Peace Bureau and IALANA, their own<sup>5</sup>.

With this epochal decision, the ICJ explicitly reaffirmed the obligation of the member states of the non-proliferation treaty, with its Article VI mandate, to complete nuclear disarmament ("atomic zero solution") under current international law.

Furthermore, the ICJ also expressed - implicitly - in its legal opinion that this obligation binds all countries of the world via customary international law to nuclear disarmament, not only the member states of the NPT. A state that breaks this obligation is breaking current law and commits a crime under international law

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## **VI. The Non-Proliferation Treaty (NPT)**

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This international treaty, which came into force in 1970, rests on four pillars:

- (1) on the obligation of all non-nuclear weapons states, to neither directly nor indirectly dispose of or acquire nuclear weapons,
- (2) on the obligation of all nuclear weapons states to not supply the non-nuclear states with weapons and, as per the current international law, to do everything possible to hinder the retransmission of nuclear weapons,
- (3) on the obligation of all nuclear states, to start discussions in good faith and come to an agreement to completely begin to disarm their own nuclear weapons and eventually eliminate them,
- (4) and on the right of all member states of the Non-Proliferation Treaty to have access to nuclear technology and its "civil usage".

Before the conclusion of the Non-Proliferation Treaty in 1968, it was feared that, without this treaty, the number of nuclear weapons states within a short time would be higher than 40. That this has not happened is an important success of the NPT, the only international agreement where the goal of total nuclear and non-nuclear disarmament (under effective control) is required. 190 states have ratified the treaty. Israel, India and Pakistan have not however joined in. Since 2003, North Korea has denounced its membership, making the current number of countries involved a total of 189.

But the future of the Non-Proliferation Treaty is unknown. Its formative and supervisory regime will break down sooner or later, if it does not soon become possible to fulfill the counter-commitment of greatest importance to the non-nuclear states: to make the international obligation for the elimination of all nuclear weapons by fair negotiations into a realistic option.

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## **VII. Clear Violations of the NPT**

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Notwithstanding the commitments which they have assumed, the nuclear weapons states, and many of their allies have in many ways openly breached the contract they signed, without having been duly made accountable for their actions.

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<sup>5</sup>) see the documentation IALANA (eds.), Nuclear Weapons Before the International Court of Justice. LIT Publishing House. Münster 1996.

1. This public breach of contract consists principally in the fact that until now, in violation of Article VI of the treaty, not a single nuclear weapons state has commenced negotiations with a view to complete nuclear disarmament. So far, even a visible readiness to do so is lacking.

The number of warheads worldwide has indeed increased since the end of the cold war ("East-West Conflict"). To date there are still some 23,000 nuclear warheads in the world, of which approximately 22,000 are in the possession of the United States and Russia. They each have many times the destructive power of the bombs dropped on Hiroshima and Nagasaki. Furthermore about 1,000 nuclear warheads are in France, the United Kingdom, China, Israel, India, Pakistan and North Korea. Currently the U.S. has about 2,200 "strategic" nuclear warheads (land- and sea-based intercontinental missiles and strategic bombs), Russia approximately 2,500. According to expert estimates, the U.S. has about 800 operational nuclear launchers, Russia approximately 560. The USA and Russia hold to this day about 1,000 nuclear warheads on high alert and ready for activation.

On April 8, 2010, the U.S. and Russian Presidents signed a new START agreement that lasts until 2017, reducing the number of operational "strategic missiles", i.e. those based on land, submarines and long-range bombers from 2200 to 1,550 each and the number of operational "strategic" nuclear delivery system (missiles and bombers) to 700 each. In addition, each carrier is allowed 100 as a reserve. Non-strategic nuclear weapons are not covered by this agreement. Whether the START treaty will gain the necessary votes in the US Congress (2/3) for ratification remains to be seen. Even after implementation of the START follow-up agreement there will still be 20,400 U.S. and Russian nuclear warheads threatening life on earth directly. Real disarmament has a different face.

2. In the nuclear states and their allies, the remaining nuclear weapons and their delivery systems have been and are continuously being upgraded. Accordingly, their operational capability has been increased continuously until today. In March 2010, the U.S. government requested two billion dollars for the years 2011-2015 to modernize the B-61 bombs – some of which currently are situated in Germany. The US wants to exchange five old versions of the bomb for two "modern" ones. These weapons are to be adjusted for the next generation of nuclear-capable fighter bombers. These ongoing adjustments and self-defined strategic needs are presented by the nuclear weapons states to the world as nuclear disarmament. The U.S. Congress has even linked a reduction in the number of U.S. nuclear weapons to the modernization of old nuclear weapons in an existing law. President Obama has not been able to change this until now.

3. Although all non-nuclear weapons states are bound under international law in Article II of the NPT, and even Germany in the so-called Two-Plus-Four treaty, not to have any direct or indirect control over nuclear weapons, there remains within NATO the practice of "nuclear sharing". Instances of "nuclear sharing" include, in particular,

(1) that Germany, the Netherlands, Belgium, Italy and Turkey remain involved in the Nuclear Planning Group of NATO,

(2) that in secret bunkers in Germany, the Netherlands, Belgium, Italy and Turkey, there is an unknown number of nuclear weapons with several times the destructive power of those used in Hiroshima and Nagasaki which, in case of a state of tension or war, would be made available by the US to even the military forces of non-nuclear weapons states, and hence to the forces of the Bundeswehr for the bombing of enemy targets, contrary to the regulations of the nuclear non-proliferation treaty.

(3) that the Bundeswehr – as well as the armed forces of the so-called other NATO non-nuclear weapons states – remain ready as nuclear carriers on the Tornado Aircraft and

regularly conduct nuclear weapons exercises in the Rhineland-Palatinate area with the aircraft unit stationed at Buechel (33d fighter bomber squadron of the 2<sup>nd</sup> air Force Division) .

4. All NATO countries still make use of the so-called “war reservation” ., according to which the Non-Proliferation Treaty would not be applicable if “a decision were made to wage war” (at which time the treaty would not prevail)<sup>6</sup>. This war clause, which is hidden from public view, thus voids the Non-Proliferation Treaty and its prohibition, of the transfer of nuclear weapons to non-nuclear weapons states. And it does so in the very case of heightened tension or war.

5. Contrary to the Art. I NPT obligation not to support non-nuclear weapons states in their development or acquisition of nuclear weapons, the United States has not only tolerated the possession of nuclear weapons by Israel, which (as well as India and Pakistan) is not a member of the NPT treaty system, but has also supported and supports Israel’s nuclear program financially, technologically and politically (see i.a. Seymour M Hersh, *The Samson Option. Israel's Nuclear Arsenal and American Foreign Policy*, New York, 1991, p. 209-214; <http://www.haaretz.com/news/diplomacy-defense/report-secret-document-affirms-u-s-israel-nuclear-partnership-1.300554> <2010-07-07>). For instance: The senior Bush administration sold at least 1,500 nuclear "dual-use" items to Israel, according to a report by the General Accounting Office, despite requirements under the Nuclear Non-Proliferation Treaty that the existing nuclear powers like the United States not help another country's nuclear weapons program "in any way." (see: Jane Hunter, "A Nuclear Affair," *Middle East International*, 24 June 1994, pp. 12-13). In addition, given the enormous costs of any nuclear program of such magnitude, it would have been very difficult for Israel to develop such a large and advanced arsenal without the tens of billions of dollars in unrestricted American financial support.

6. The nuclear weapons program, as part of the alliance between the U.S. and Pakistan, is also tolerated in the current regime. Pakistan would not have become a nuclear weapons state without the technological cooperation and assistance of important member states of the Non-Proliferation Treaty—including the U.S. and Germany. The prohibition of proliferation has been grossly violated in this case.

7. Although the United Nations has imposed sanctions against India’s nuclear weapons testing in 1974 and 1998, the U.S. has in the meantime ended all bilateral sanctions and committed a large amount of nuclear technology and material to India. Thus, the U.S. has helped to legalize the status of India as a nuclear power contrary to the provisions of the NPT. Under pressure from the United States, the Nuclear Suppliers Group of 45 (NSG), to which Germany also belongs, approved further nuclear exports to India in 2008. None of the governments involved have shown a willingness to defend non-proliferation and to refuse the approval of an exemption. Application of the consensus principle would have prevented the deal. But the other member states of the NPT were not even involved in the proceedings.

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## VIII. The Nuclear Weapons Convention

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A first step for the nuclear weapons states, in order to fulfill their international obligation to begin and conclude negotiations in good faith leading to complete nuclear disarmament under

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6) see what the German Parliament published before ratification of the NPT memorandum, submitted to the Foreign Affairs Office of the Federal Government, in which the corresponding U.S. “statement interpretation” was printed in the Bundestag 7/994, p. 17, but it hardly came to be noticed by the public...



strict and effective international control, would be to declare a willingness to take official note of the Nuclear Weapons Convention drafted by non-governmental organizations, with the active participation of IALANA. Available as a UN document, it is a design of a binding treaty on the prohibition and elimination of all nuclear weapons and UN Secretary General Ban Ki-moon has suggested that it is a good starting point for discussions leading to the negotiation of such a treaty.

## **IX. Central Requests of IALANA**

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### **1. On a national level**

#### **1. Ending of all forms of “nuclear sharing” in Germany within NATO**

- (1) Germany must renounce any form of nuclear-delivery system (currently the TORNADO fighter planes)
- (2) The practicing of potential military use of atomic weapons must be stopped immediately (currently through Bomber Squadron 22 in Büchel/Pfalz).
- (3) German participation in all discussions and activities of the Nuclear Planning Group of NATO which do not relate to nuclear disarmament, but to the threat or use of nuclear weapons must be suspended.

#### **2. A nuclear weapon free Germany**

- (1) All remaining foreign nuclear weapons must be removed from Germany without delay.
- (2) This must not only apply to the five new states (Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt, and Thüringen) - as until now in the Two-Plus-Four Treaty - and Berlin, but must also be enacted for the entire country in a legally binding manner.
- (3) The use of German territory (land, airspace, and coastal waters), foreign bases and facilities in Germany for storage, transport or transfer of nuclear weapons, including the issuance of overflight rights, must be expressly prohibited by law.
- (4) A complete and unconditional surrender of nuclear weapons in Germany should be modeled on the Austrian “Federal Constitutional Law for a nuclear-free Austria of August 13, 1999 – (Federal Law Gazette I 1161). It contains the following provisions:
  - No nuclear weapons may be made in, stored in, tested in, or transported through Austria.
  - Nuclear power plants may not be established, and those already established may not be operationalized.
  - The transportation and storage of fissionable materials is prohibited. The only exceptions are those materials that are only used for peaceful uses but not for energy.
  - Damages caused by accidents with radioactive materials must be paid for by Austria, or in the case of foreign polluters, Austria must try to recover the cost.
  - The federal government is responsible for this law’s enforcement.
- (5) The German War Weapons Control Act must be amended in §§16 ff in the following way:

Elimination of all exceptions to the prohibition of criminal possession, acquisition, production and management of nuclear weapons, as well as any research and development of atomic weapons.
- (6) §§ 16ff. of the law on control of military weapons must be amended to provide that any participation of German soldiers in the use of nuclear weapons or in its planning is prohibited - without exception – even in foreign countries and in international alliances and organizations.

### **1.3 Reduction of the dangers and risks of proliferation of nuclear material in and out of Germany**

- (1) Dissolution and destruction of all stockpiles of plutonium and of highly enriched weapons-grade uranium.
- (2) URENCO uranium enrichment plant in Gronau/Emsland: Closure or transfer of the ownership to an international body.
- (3) Abandonment of the facilities and operation of research reactors of highly enriched uranium or other nuclear weapons grade fuel (Research Reactor II in Garching / Munich).
- (4) Legal prohibition of the export of nuclear weapons carrier systems (like for example the submarines of the Dolphin class – delivered by Germany to i.a. Israel).
- (5) Strict monitoring of the existing legal prohibitions on the export of nuclear weapons capable technologies
- (6) Effective protection of whistleblowers, who either publicly or privately disclose the violations of domestic and / or international rules to the competent authorities (“societal verification”).

### **1.4 Adherence to nuclear phase-out**

A large obstacle to the global reduction and elimination of nuclear weapons is the civil use of atomic energy, which has been permitted to all member states of NPT in disregard of the risks involved.. Every state that uses nuclear energy for civil purposes also has the potential to produce nuclear weapons materials. This is true not only for Iran, but for all states which operate nuclear plants and uranium enrichment centers, also for Germany. The reduction of the civil use of nuclear power – and even more a phase-out – serve to reduce the proliferation risks and help to reduce the dangers of military use of nuclear materials. IALANA therefore calls on the German Federal Government to refrain from extending the life of the nuclear power plants in Germany (“bridge technology”), to stop at the already agreed-upon exit date of 2020, to promote alternative energy sources and to significantly improve energy efficiency in all sectors

## **2. On the EU Level**

### **2.1. Accepting the NPT as a subject of international law in Europe**

In the debate on the acceptance of the NPT, Germany and other EU states proposed, at the end of the sixties, the option that the EU could attain nuclear status under certain conditions, i.e. that it may have nuclear weapons. This so-called “European option” was supported in the interpretive statement addressed to the NATO Council and NATO countries by the US government on April 20 1967 and in a declaration by the then US Secretary of State Dean Rusk on July 10 1968,.According to this highly questionable interpretation from the point of view of international law, the NPT would not preclude “the legal succession of a new federated European state into the nuclear status of its preexisting constituents” (see the German Parliament memorandum submitted to the Foreign Office, Bundestag/Drucksache 7/994, p. 17).

With the – overdue – accession of the EU to the Non-Proliferation Treaty, this “European option” concerning “European nuclear weapons” would finally be irrelevant.

### **2.2. Research policy**

The EU needs sufficient resources to research and promote the verifiable elimination of all nuclear weapons (“nuclear zero solution”). This would be an important political signal of the seriousness of its willingness to bring about the complete nuclear disarmament process and would address the following main relevant areas for complete nuclear disarmament:

- peace and security policy issues of a nuclear zero solution
- technical verification methods and hurdles
- energy policy questions
- implementation conditions of the ban
- prevention of violations

### **2.3. Nuclear Weapons Convention initiative**

The EU should promote a joint initiative between the EU and all EU states within or outside the framework of the UN and vis a vis the nuclear weapons states to start discussions about further steps towards nuclear disarmament with the eventual goal of a nuclear weapons convention.

## **3. On a NATO Level**

### **3.1 Renunciation of the “War Clause”**

The NATO states and NATO should adopt a declaration, binding as a matter of international law, that they renounce the so-called “war clause” promulgated at the enactment of the Non-Proliferation Treaty, on the basis of which they claim, until now, to no longer be bound by the NPT, if “the decision has been made to wage war” (see Memorandum of the Foreign Office on the NPT, published in BT-DRS. 7 / 1994, p. 17)

### **3.2 Removal of nuclear weapons**

Nuclear weapons should be removed within one year from all NATO states that are not nuclear weapons states in terms of the NPT. Their restationing should be renounced in a manner effective from the point of view of international law.

### **3.3 Changes to the NATO nuclear strategy**

The NATO Nuclear strategy must immediately be changed. This concerns particularly the following areas:

- as a first step: renunciation, based on effective international law, of any option of threat or use of nuclear weapons against non-nuclear-weapons- states or non-state actors
- as a second step: renunciation, based on effective international law of any form of nuclear first use or threat thereof
- explicit recognition of the legal opinion of the International Court of Justice of July 6, 1996, establishing the international law principle prohibiting any threat or use of nuclear weapons since such threat or use is incompatible i.a. with the mandates of international humanitarian law
- strengthening of the existing international commitment to complete nuclear disarmament in all its aspects (Article VI NPT).

### **3.4 CTBT**

The Comprehensive Nuclear-Test-Ban Treaty (CTBT) must be ratified immediately by all NATO states including the USA.

### **3.5 Nuclear cooperation**

All NATO countries must in the future refrain from any nuclear cooperation with and any support for states that have not ratified the Non-Proliferation Treaty, particularly in the development of nuclear weapons relevant technologies and equipment.

### **3.6 NATO initiative for a Nuclear Weapons Convention**

In the NATO council, a policy decision should be introduced and finalized on the readiness of NATO and all NATO nuclear weapons and non-nuclear weapons states, with a view to initiating discussions in good faith about steps toward nuclear disarmament with the eventual goal of a comprehensive and controlled “nuclear zero solution”.

## **4. On a Global Level**

### **4.1 Non-Proliferation Treaty Review Conferences**

The 13 Points of the 6<sup>th</sup> NPT Review Conference should be strengthened and made more concrete. Therefore the nuclear weapons states committed themselves to:

- (1) the quick signing and ratification of the now negotiated Comprehensive Nuclear-Test-Ban Treaty (CTBT),
- (2) a nuclear weapons testing moratorium until the entry into force of this treaty,
- (3) discussions soon about a verifiable ban on the production of fissionable material with the goal of a final treaty within five years,
- (4) the establishment of an authorized body for the nuclear disarmament at the disarmament conference of the United Nations,
- (5) observance of the principles of the irreversibility of nuclear disarmament,
- (6) the unequivocal assurance of the nuclear weapons state to meet their commitment to total nuclear disarmament under Article VI of the NPT (“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”)
- (7) the enactment of existing treaties such as START II, the conclusion of START II treaty and of maintaining and strengthening the AMB treaty,
- (8) the completion and implementation of the trilateral Initiative (USA/RUS/IAEO), in respect to surplus weapons material
- (9) steps of all nuclear states to nuclear disarmament in the principle of indivisible security (including unilateral reductions, enhanced nuclear transparency of the nuclear weapon states, reductions in tactical nuclear weapons to unilateral or negotiated routes, agreements on the reduction preparedness for nuclear weapons, reducing the role of nuclear weapons in national strategies and doctrines, and as soon as possible, the commitment of the nuclear weapons states to the total elimination of nuclear weapons),
- (10) the subordination of excess weapons plutonium under the control of the AAEA and its use exclusively for peaceful purposes,
- (11) the general and complete disarmament under effective international control,
- (12) regular reports about steps taken in terms of the Article VI Commitment under the consideration of the opinion of the International Court of Justice from July 8, 1996,
- (13) better verifications mechanisms.

It should in particular be the call, that the UN disarmament conference or other appropriate UN bodies specify and prepare a timetable for further serious action towards nuclear disarmament, especially in terms of negotiations on a nuclear weapons convention.

It should be taken up by all participating countries in an explicit declaration to renounce participation in conflicts over the application and compliance with the Non-Proliferation Treaty or threat of military force outside of the provisions of the UN Charter.

### **4.2 Strengthening and reconstruction of the IAEA**

As of now the controls exercised by the International Atomic Energy Agency (IAEA) are inadequate. The establishment of an effective control system failed to materialize in negotiations on the Non-Proliferation Treaty and the Verification Agreement by such parties as Germany, Italy and Japan due, at the time, to the East-West conflict and to the dangers of “industrial espionage” (also by friendly countries).. The principal activity of the IAEA today is the control of the so-called nuclear fuel cycle, but this is done on the basis of reports and periodically updated balance sheets by the very parties being controlled.. The Additional Protocol to the verification agreement, adopted in 1997, although not yet ratified by many states, has brought about some progress. Surprise inspections continue to take place; but still only to a very limited degree and also only on the basis of “short term” pre-announcements ( 2-24 hours). Effective unannounced on-site inspections and unhindered free inspection and investigation rights are still missing. The nuclear weapons states are hitherto largely excluded from the verification measures. In addition, there is to date no adequate protection for people who reveal deficiencies or violations (see the draft of Josef Rotblat and others for Societal Verification). These structural deficits of the IAEA’s verification regime must be remedied with the utmost urgency.

The IAEA’s personnel sector also needs drastic improvement. The IAEA has only about 350 inspectors. This is far too low for their global responsibilities of monitoring the non-proliferation regime, given the world’s very large number of nuclear facilities. The regular budget of the IAEA for all departments in 2009 amounted only to \$293.7 million USD; and, only a relatively small part of that was allotted to the verification department. The total budget of the IAEA is about the equivalent of 30 armored tanks. The demand of the IAEA for a significant increase in its budget and the number of inspectors deserves every support and must be realized at last.

#### **4.3 Nuclear weapons within the framework of the NPT**

All nuclear weapons states must at last subject themselves (as do all non-nuclear weapons states) to the IAEA verification regime.

All nuclear weapons states must relinquish the production and the mobilization of all new nuclear weapons and nuclear weapons transport systems under binding international law.

#### **4.4 India, Israel, Pakistan and North Korea**

These new nuclear weapons states must join or – in the case of North Korea – rejoin the Non-Proliferation Treaty and fulfill the commitments of Article VI of the Non-Proliferation Treaty.

#### **4.5 Iran’s Nuclear Program**

In the conflict over the possible development of its own nuclear weapons by Iran, most western states behave contradictorily. They demand Iranian compliance with a treaty with which which they continually fail to comply, particularly with respect to the obligation in Article VI of the NPT, to start discussions about complete nuclear disarmament. With the threat of unilateral – ultimately even military – sanctions against Iran, they also violate the prohibition in Article II(4) of the UN Charter. The “law of the jungle” is not legitimate international law.

But the UN Security Council should not decide on military sanctions, nor allow itself to become involved in a sanctions situation which could spiral into such a result. Conflicts over the alleged or actual threat of nuclear armament of Iran and/or other countries cannot be resolved militarily, but only through negotiation and cooperation among all parties to the conflict. This could come about following the successful model of the Commission on

Security and Cooperation in Europe (CSCE), which significantly helped to bring a peaceful end to the cold war. It could be a useful perspective for the creation of a “Conference for Security and Disarmament in the Near and Middle East”.. This would have to be based on the principle of the common security of all states of the region.. No one can achieve effective and sustainable security at the expense of others.

Whoever – rightly – calls for a nuclear weapons free Iran must also call for nuclear weapons free Israel, Pakistan and India. Security against nuclear destruction cannot be based on “double standards”.