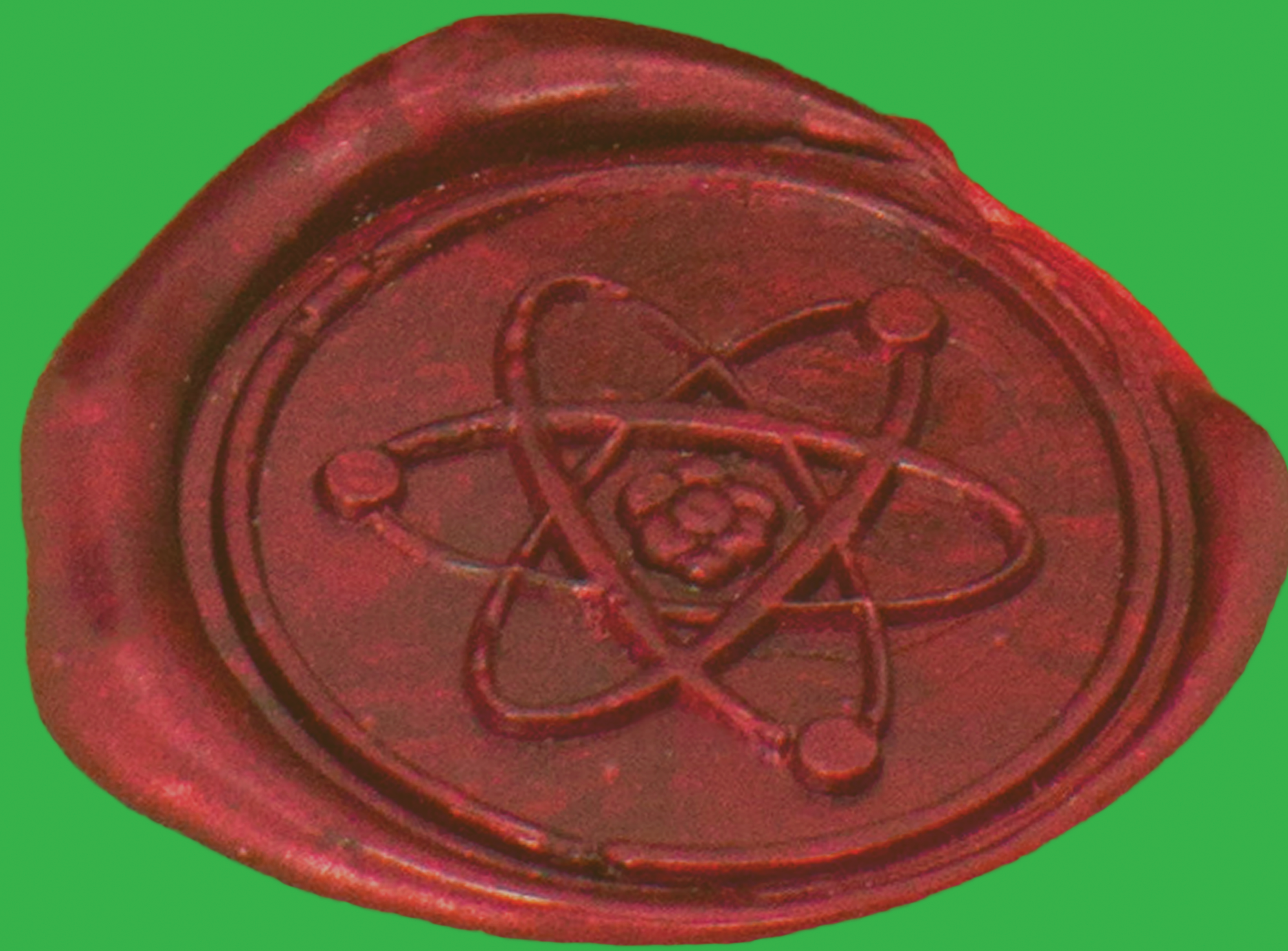


DEFINING THE NUCLEAR DISARMAMENT NORM



HOW MUCH IS ENOUGH?

1 Why define the nuclear disarmament norm?

Norms define expected behaviours and legitimate action within groups

The nuclear disarmament norm is under-researched and poorly defined; its political consequences are thus poorly understood

For most non-nuclear weapon states, the Non-Proliferation Treaty (NPT) 'grand bargain' balances nuclear disarmament and nonproliferation norms, but...

Policy and research overwhelmingly favour nuclear nonproliferation over disarmament

This imbalance has significant political consequences that undermine international and human security

To achieve security, we must properly understand the nonproliferation *and* disarmament norms ... *and* the links between them

2 Defining the nuclear disarmament norm

I take an interdisciplinary approach, combining:

Insights of International Relations norms research, *plus*

International legal methodology

NPT Article VI is key to the nuclear disarmament norm

It is the only treaty obligation regarding multilateral nuclear disarmament. It establishes shared expectations and thus defines legitimate behaviour

NPT Article VI

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

3 Legal method

Vienna Convention on the Law of Treaties (VCLT)

VCLT Articles 31 & 32 are the authoritative international rules for treaty interpretation

The VCLT interpretive rules constitute customary international law: they apply to all states and all treaties

True meaning exists at the time of interpretation, not when the treaty was completed: all norms, including laws, are dynamic

VCLT interpretive principles:

Good faith; ordinary meaning of text; context; treaty's 'object and purpose'

VCLT interpretive sources:

A treaty's text and preamble

Unilateral and multilateral instruments related to the treaty's completion

Subsequent practice of, and subsequent agreements between, treaty parties

4 NPT 'object and purpose'

To prevent nuclear conflict and human suffering by facilitating the elimination of nuclear weapons

Sources:

NPT preamble, paragraphs 1 & 2

The multilateral UN process leading to the completion of the NPT

Numerous unanimous subsequent agreements between NPT parties

Near-universal NPT compliance among non-nuclear weapon states

5 NPT Article VI: Conclusions

The nuclear disarmament obligation has priority over 'general and complete disarmament'

Sources:

Unanimous subsequent agreements made at NPT review conferences in 1985, 1995 and 2000

'General and complete disarmament' does not explicitly appear in the unanimous subsequent agreement from 2010

Article VI obliges the *achievement* of complete nuclear disarmament

Sources:

Unanimous subsequent agreements made at NPT review conferences in 2000 and 2010

The unanimous conclusion in the 1996 ICJ Advisory Opinion, as highlighted in unanimous subsequent agreements in 2000 and 2010

6 Implications / political consequences

Implications of the nuclear disarmament norm:

There is widespread expectation of multilateral progress towards nuclear weapons elimination

The lack of multilateral nuclear disarmament has created extreme frustration in non-nuclear weapon states

This frustration hampers the adoption of stronger nonproliferation measures

To ensure international and human security, multilateral nuclear disarmament obligations must be acknowledged ... and implemented