DEFINING THE NUCLEAR DISARMAMENT NORM

HOW MUCH IS ENOUGH?

Author: Lyndon Burford
University of Auckland, New Zealand | lyndon@auckland.ac.nz

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) stands as the main nuclear disarmament and non-proliferation norm, that is:

   **Policy and research overwhelmingly favour nuclear nonproliferation over disarmament.**

   This imbalance has significant political consequences that undermine international and national 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 that regulates international 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 oneffective measures relating to disposal of their respective arsenals of nuclear weapons, with a view to the progressive and complete elimination of their nuclear arsenals 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 interpretative 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;" and

   "VCLT Interpretive sources:"

   - A treaty’s own normalization
   - United States’ multilateral disarmament instruments related to the treaty’s specified Subsequent practice 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, paragraph 1 & 2
   - The multilateral NPT process leading to the completion of the NPT
   - Numerous subsequent agreements between NPT parties
   - Near-nuclear NPT compliance among non-nuclear weapon states

5. NPT Article VI: Conclusions

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

   **Sources:**

   - Numerous subsequent agreements made at NPT review conferences in 2005 and 2010
   - "General and complete disarmament" does not explicitly appear in the non-proliferation obligation in Article VI

   "Article VI obliges the achievement of complete nuclear disarmament"

   **Sources:**

   - Numerous subsequent agreements made at NPT review conferences in 2005 and 2010
   - Agreement in the 1996 Review Conference of the NPT, highlighting counter-proliferation 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 abolition
   - 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 national security, multilateral nuclear disarmament obligations must be acknowledged... and implemented.