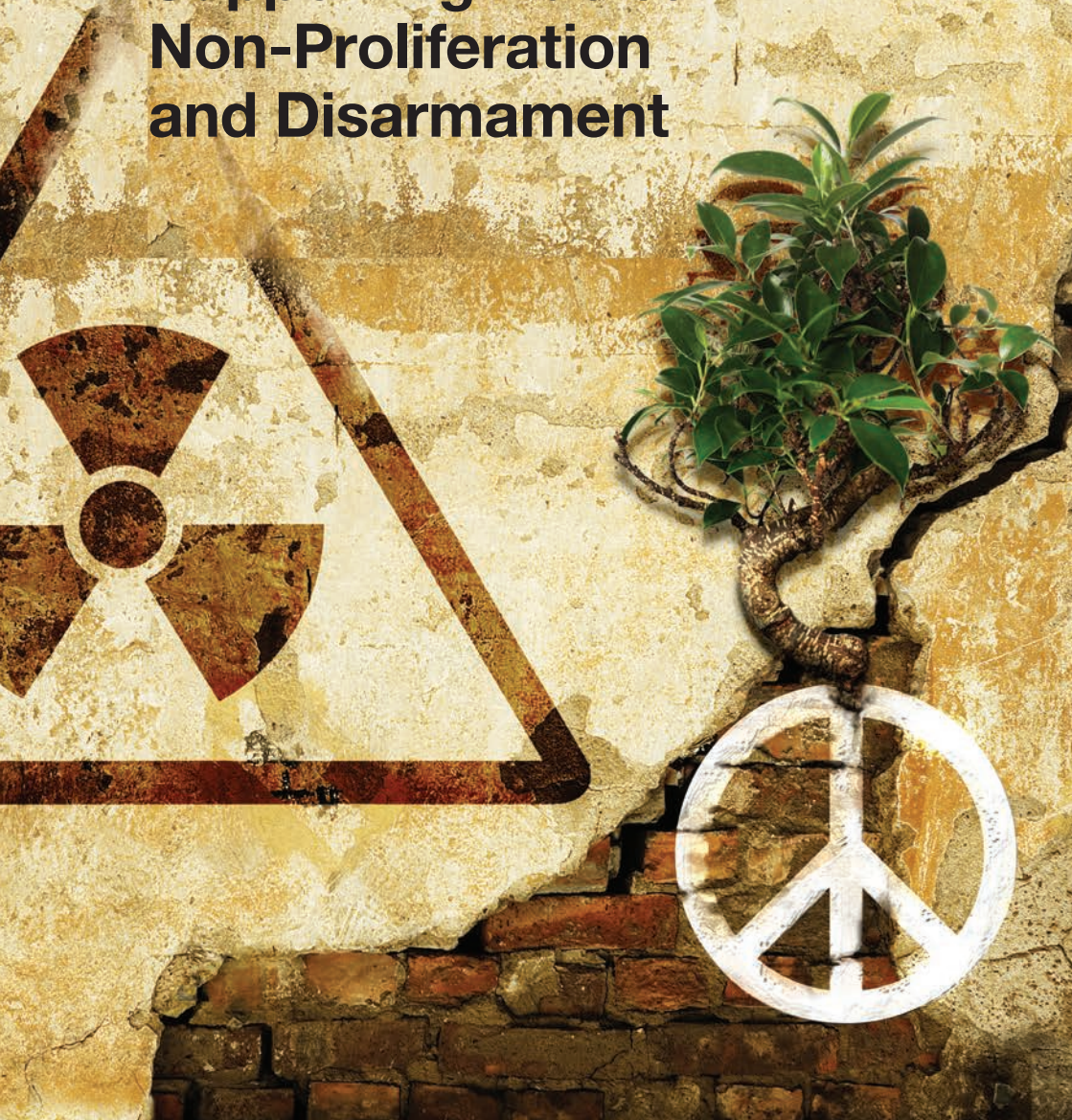


Supporting Nuclear Non-Proliferation and Disarmament



Handbook for Parliamentarians No. 19 - 2012

Supporting Nuclear Non-Proliferation and Disarmament



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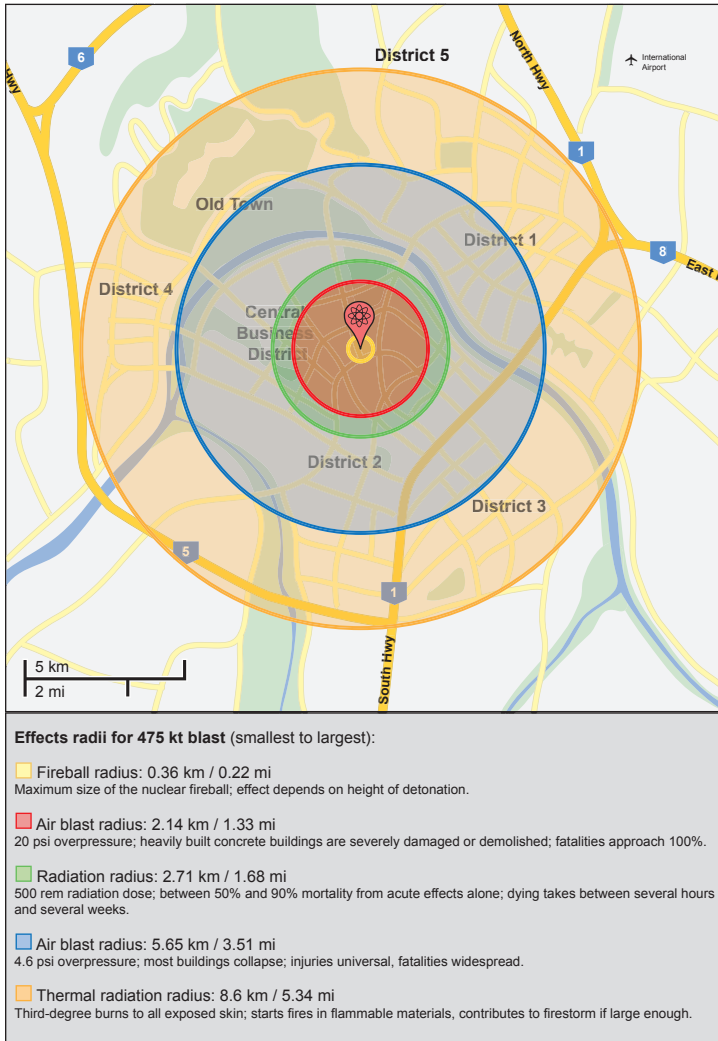
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Effects of a detonation of a typical nuclear weapon on a city.



© Jana Jedinčková, Parliamentarians for Nuclear Non-proliferation and Disarmament.

For modelling of the effects of a nuclear detonation on any given city in the world, please see NUKEMAP: www.nuclearsecrecy.com/nukemap/

The chances of a nuclear weapon being detonated in a city – whether by miscalculation, accident or intent, and whether by non-State actors or States in a conflict – are remote. But such an event would have catastrophic consequences as demonstrated in this model of a 475 kiloton nuclear weapon detonated in a city with a population of approximately 500,000 in habitants.

Acknowledgements

This Handbook was written by Rob van Riet (Coordinator of the Disarmament Programme, World Future Council) and Alyn Ware (Global Coordinator, Parliamentarians for Nuclear Non-Proliferation and Disarmament).

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Conclusions and recommendations of the debate on “Nuclear Weapons—the Road to Zero”, held on the occasion of the 125th IPU Assembly (Bern, October 2011), have also been reflected in this publication. The Handbook was reviewed by a group of distinguished parliamentarians and experts. Special thanks go to: Mani Shankar Aiyar • Colin Archer • Raphael Chegeni • Saber H. Chowdhury • Lord Des Browne • Gareth Evans • Jonathan Granoff • Rosario Green • Peter Herby • Rebecca E. Johnson • Toghzan Kassenova • Sergei Kolesnikov • Taro Kono • Benno Laggner • Louis Maresca • Jack J. Mwiimbu • Roger Price • Shazia Rafi • Matt Robson • Douglas Roche • Randy Rydell • Tibor Tóth • Uta Zapf

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Preface

Ever since the first nuclear bombs were dropped on Hiroshima and Nagasaki, humankind has been living under the sword of Damocles, in fear of an imminent nuclear catastrophe that could wipe out all life on planet Earth.

It has been argued that the fact that the world has not yet disappeared in a nuclear Armageddon is more attributable to good luck than good management. Some have gone on to comment that the failure to put an end to such a danger is a sign of collective incompetence.

While treaties and conventions have been signed and individual governments have taken incremental steps towards reducing their nuclear capacities or encouraging others to do so, the situation remains dire. Parliaments and parliamentarians, as the expression of the hopes and aspirations of citizens for a better and safer world, have a crucial responsibility to protect the world and its future generations.

From Kazakhstan to Costa Rica, Austria to Australia, Brazil to Bangladesh, India to South Africa and to the United States, more and more parliamentarians have been stepping up and promoting measures aimed at securing a nuclear weapon-free world. Their actions have taken on various forms: establishing their countries and regions as nuclear weapon-free zones, deciding to curb military spending and reduce nuclear forces, and reviewing national security doctrines.

In April 2009, the Inter-Parliamentary Union adopted a resolution by consensus entitled *Advancing nuclear non-proliferation and disarmament and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments*.¹ That resolution unites key aspects related to nuclear disarmament: legal, political, technical and institutional. It includes a wide range of recommendations for practical measures to be taken by parliaments to ensure universal ratification of the CTBT, promote the UN Secretary-General's five-point proposal for nuclear disarmament, and support a series of concurrent measures, including the start of negotiations on a comprehensive nuclear weapons convention.

In July 2010, the 3rd World Conference of Speakers of Parliament concluded with a Political Declaration, in which parliamentary leaders from all over the world stated: “*We support the tireless efforts by the United Nations in pursuit of world peace and security. We applaud the renewed focus on preventive*

*diplomacy and peace-building, and remain firmly convinced that democratic, strong and effective parliaments are vital to sustainable peace. We commend the United Nations Secretary-General for his five-point nuclear disarmament proposal, and pledge to pursue efforts towards a nuclear-weapon-free world”.*²

In October 2011, the IPU Committee on United Nations Affairs convened an expert panel discussion on **Nuclear weapons – The road to zero**, which further explored what parliaments and their members can do to advance the nuclear non-proliferation and disarmament agenda and ensure implementation of internationally agreed commitments.

This Handbook has been produced to assist parliaments and parliamentarians in implementing those nuclear non-proliferation and disarmament goals. It highlights a range of existing good policies and practices aimed at furthering nuclear disarmament, curbing nuclear proliferation, or safeguarding nuclear security, and explores what parliamentarians can further do to fashion the legislative agendas needed to advance these goals.

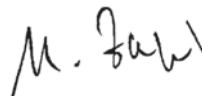
These measures should not be regarded as alternatives to the global undertaking of creating a framework for the prohibition and elimination of nuclear weapons, but should be assessed as effective complementary or incremental measures to achieve that goal. Collaboration between legislators, governments and civil society is critical to ensure success.

The recent surge in political momentum for the achievement of a world free of nuclear weapons reveals that politicians across the globe, including those in the nuclear-weapon States, acknowledge that ridding the world of nuclear weapons is not only their duty, but has also become more achievable in our increasingly globalized world.

We are at a turning point for the achievement of global security through a world free of nuclear weapons. It is crucial to maintain, further build, and capitalize on this momentum so as to honour the expectations and aspirations of the citizens of this world and ensure sustainable security for future generations. The alternative of further proliferation and a potential nuclear disaster is simply not acceptable.



Anders B. Johansson
IPU Secretary General



Uta Zapf
PNND co-President

UNITED NATIONS



NATIONS UNIES

THE SECRETARY-GENERAL

MESSAGE

July 2012

The rule of law is coming to nuclear disarmament, and parliamentarians have important contributions to make in advancing this historic process.

Inspired or assisted by the efforts of the Inter-Parliamentary Union, parliaments are showing an increased interest in promoting nuclear disarmament. This should come as no surprise. Parliaments represent the people, and across the world today we are seeing a groundswell of opinion among diverse sectors of civil society – doctors, lawyers, religious leaders, mayors, human rights activists, women’s groups, environmentalists, economists and educators in countless fields – demanding concrete steps to control and eliminate these deadly, costly, wasteful weapons.

The core role of parliaments in ratifying treaties and adopting implementing legislation gives them tremendous potential to extend the rule of law even more deeply into the domain of disarmament. Yet disarmament and non-proliferation can also appear to legislators as remote from daily concerns. This is where this *Handbook* has most to offer. It brings disarmament down to earth, offering specific guidance on why it matters and how to achieve it.

I thank the Inter-Parliamentary Union for preparing this publication and for supporting my own five-point proposal for nuclear disarmament and responsible non-proliferation policies. I also welcome the assistance provided by two non-governmental organizations – Parliamentarians for Nuclear Non-proliferation and Disarmament and the World Future Council – and by the Swiss Federal Department of Foreign Affairs. Such partnerships will continue to be crucial in achieving our shared goals.

I commend this volume not just to legislators, but to all who truly care about nuclear disarmament, non-proliferation, and – without exaggeration – the future of our planet.

Ban Ki-moon

Abbreviations and acronyms

ABM	Anti-ballistic missile
ASM	Air-to-surface missile
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organization
EEZ	Exclusive Economic Zone
HEU	Highly enriched uranium
IAEA	International Atomic Energy Agency
ICBM	Intercontinental ballistic missile
ICNND	International Commission on Nuclear Non-proliferation and Disarmament
IDC	International Data Centre
INF	Intermediate-Range Nuclear Forces (Treaty)
IPU	Inter-Parliamentary Union
Kt	Kiloton
Mt	Megaton
MIRV	Multiple Independently Targetable Re-entry Vehicle
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NPR	Nuclear Posture Review (United States)
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSA	Negative Security Assurances
Model NWC	Model Nuclear Weapons Convention
NWFZ	Nuclear-weapon-free zone
NWPS	Nuclear-weapon-possessing State(s)
NWS	Nuclear-weapon State(s)
PNND	Parliamentarians for Nuclear Non-proliferation and Disarmament
RNEP	Robust Nuclear Earth Penetrator
SALT	Strategic Arms Limitation Treaty
SLBM	Submarine-launched ballistic missile
START	Strategic Arms Reduction Treaty
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDC	United Nations Disarmament Commission
UNSG	United Nations Secretary-General
WMD	Weapons of mass destruction

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THE IMPERATIVE FOR PARLIAMENTARY ACTION

“The destructive power of nuclear weapons cannot be contained in either space or time.”

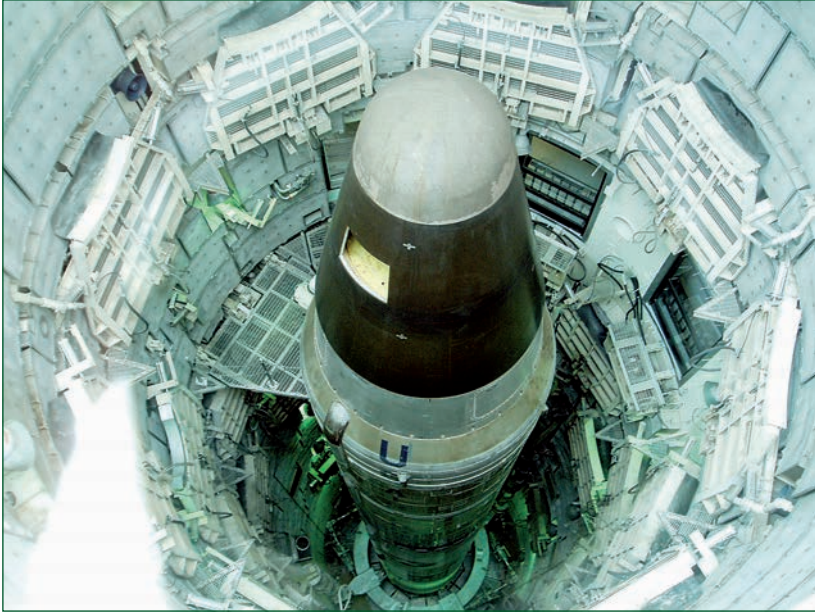
International Court of Justice, 1996

In 1996, the International Court of Justice affirmed that the threat or use of nuclear weapons is generally incompatible with international laws governing warfare, including international humanitarian law. Recognizing that a number of States still relied on nuclear deterrence for their security, the Court was divided and inconclusive regarding the role of nuclear weapons in the specific circumstance of securing the very survival of a State threatened with nuclear attack. However, the Court was unanimous in its conclusion that there is an obligation by all States to remove the threat of nuclear weapons by negotiating to eliminate them under strict and effective international control (see Annex V: International Court of Justice Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons).

Where are we now with respect to nuclear weapons and nuclear disarmament?

In his 2004 memoirs, US President Ronald Reagan noted that, as US Commander-in-Chief, he was faced with the prospect of having only “**Six minutes**, to decide how to respond to a blip on a radar scope and decide whether to release Armageddon! How could anyone apply reason at a time like that?”³

Most people are oblivious to the fact that over a decade into the 21st century, approximately 19,000 nuclear weapons remain in the stockpiles of the nuclear-weapon States, thousands of which are ready to fire within minutes under “launch-on-warning” policies, boxing the US and Russian Presidents into the same potential six-minutes-to-decide-on-Armageddon corner as the one described by President Reagan (warning times in some other nuclear-armed States, such as India and Pakistan, are even shorter, verging on non-existent).



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A de-commissioned Titan ICBM in its silo. Titan Missile Museum, Sahuarita, Arizona, USA, November 2003.

Former nuclear-missile controller Bruce Blair notes that virtually every day of the week, every week of the year, incidents like missile launches are assessed by the US nuclear weapons command and control structure. Decisions on whether or not these are possibly incoming nuclear attacks requiring notification to the President have to be made in three minutes. The President then has between six and eight minutes to decide whether or not to launch a retaliatory attack. Several times in the past, innocent incidents, such as the launch of a weather satellite or confusion over a war-games exercise, have nearly triggered a nuclear exchange.⁴

According to Gareth Evans, Convenor of the Asia-Pacific Leadership Network for Nuclear Non-proliferation and Disarmament and former Australian Foreign Minister, the fact that the world has not yet disappeared in a nuclear Armageddon is more attributable to good luck than good management. “In a world, now, of multiple nuclear-armed States, significant regional tensions, command and control systems of varying sophistication, potentially destabilizing new cyber technology, and continuing development of more modern (including smaller and

potentially more usable weapons), it cannot be assumed that such luck will continue.”⁵

Hans Blix, Chair of the Weapons of Mass Destruction Commission, has said that the failure to end such dangerous Cold War policies and practices is “a sign of collective incompetence”.⁶

Of equal, if not greater concern, are the proliferation of nuclear weapons to additional States and the growing capacity of even non-State actors to possibly acquire or produce a nuclear or radiological weapon. Emerging nuclear-weapon-possessing States are less likely to have the safety mechanisms and confidence-building measures that the current nuclear-weapon States have developed to at least lower the possibility of a nuclear holocaust by accident or miscalculation. Similarly, non-State actors are less likely to adhere to the legal and moral constraints that have prevented the intentional use of nuclear weapons in wartime since 1945.

Nuclear disarmament and nuclear non-proliferation are two sides of the same coin – one cannot be achieved without the other. In the polarized world of the 20th century, nuclear disarmament was perhaps a pipe dream, and the only thing governments could do was minimize nuclear proliferation and control the nuclear arms race.

In the interconnected world of the 21st century, parliamentarians have both a responsibility and the capacity to work nationally and across borders to help build the political commitment and security frameworks to reverse proliferation and abolish nuclear weapons globally under strict and effective international control.

In October 1986, the world came very close to the complete elimination of all nuclear weapons. At the historic Reykjavik summit, US President Ronald Reagan and Secretary General Mikhail Gorbachev of the Soviet Union – who both had become convinced that “a nuclear war cannot be won and must never be fought”⁷ – unexpectedly moved away from classical arms control and set out the vision of a world free of nuclear weapons.

Unfortunately, their inability to resolve key issues – such as Soviet concern over the US “Star Wars” ballistic missile defence programme – prevented any deal involving a move away from nuclear deterrence. All that could be achieved at the time was a treaty on intermediate nuclear forces and agreements on reducing the numbers of delivery vehicles.

Parliamentarians can work to ensure that this time the opportunity is not lost, and that the rhetoric is turned into action to develop the legal, technical, institutional and political framework to phase out nuclear deterrence and achieve a nuclear-weapon-free world.

Both sides retreated from grand visions and adopted a gradualist, step-by-step approach to nuclear disarmament which has achieved very little in the subsequent 25 years.

Recently, the vision for a nuclear-weapon-free world has re-emerged, first in the 2007 *Wall Street Journal* op-ed “A world free of nuclear weapons”, written by four high-level former US officials (Henry Kissinger, Sam Nunn, George Shultz and William Perry). Since then, the vision has been promoted by US President Barack Obama and reinforced by numerous statements from Heads of State and former officials of nuclear-weapon States and their allies. It is high time to rekindle the spirit of Reykjavik and capitalize on this momentum.



© UN/ Paule Figueras

United Nations Secretary-General Ban Ki-moon presents his Five-Point Project on Nuclear Disarmament at the UN. New York, USA, 24 October 2008.

UN Secretary-General Ban Ki-moon has put forward a plan to implement the vision, building on non-proliferation and disarmament steps already taken, and including a combination of incremental measures and a comprehensive programme to achieve a nuclear weapons convention or package of agreements to prohibit and eliminate nuclear weapons globally.

It is our hope that this Handbook will assist parliamentarians to seize this opportunity and make strides towards a nuclear-weapon-free world.



Cloud of the atomic bombing of Nagasaki, 9 August 1945.

NUCLEAR WEAPONS - WHERE ARE WE NOW?

A short history of nuclear non-proliferation and disarmament commitments

Since the beginning of the nuclear age, nuclear non-proliferation and disarmament have been officially recognized by all States as critical goals. The very first resolution adopted by the United Nations General Assembly, on 24 January 1946, established the goal of eliminating nuclear weapons and other weapons “adaptable to mass destruction”.⁸

Biological and chemical weapons, the two other categories generally considered to be weapons of mass destruction, have been prohibited under the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention respectively. Other weapons causing indiscriminate harm, i.e. which cannot distinguish between legitimate military targets and civilians (who are protected in wartime), have also been prohibited by international treaties. These include the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty) and the 2008 Convention on Cluster Munitions. There are also agreements banning the use in wartime of weapons that cause unnecessary suffering to combatants, such as the 1899 Hague Declaration Concerning Expanding Bullets and 1995 Protocol IV to the Conventional Weapons Convention on Blinding Laser Weapons. There is also a global treaty prohibiting the military use of environmental modification (the 1977 ENMOD Convention).

However, nuclear weapons, which are arguably the most destructive of weapons of mass destruction and the most likely of all weapons to cause indiscriminate harm, long-term and unnecessary suffering to combatants and severe damage to the environment, are not yet subject to a similar global prohibition agreement.

Historically, nuclear weapons have been relegated to a separate category of weapons, one which some States claim it is legitimate for them to possess

for their national or collective security, but which it would be dangerous for other States to acquire. At the same time, it has been accepted, even by nuclear-weapon States that a nuclear-weapon-free world is a desirable goal, but one that is unrealistic until nuclear deterrence is replaced by a better security framework.

As such, the nuclear-weapon States have promoted a range of measures to prevent other States from acquiring nuclear weapons, and have agreed to minimal disarmament steps, such as a reduction in nuclear-weapon stockpiles, the removal of some categories of nuclear weapons from their arsenals, and not to threaten to use or use nuclear weapons against non-nuclear-weapon States except in certain conditions.

Terminology

When referring to nations possessing nuclear weapons, this Handbook distinguishes between two categories of States: **nuclear-weapon States (NWS)**, which refers to the five States officially recognized by the NPT as possessing nuclear weapons (China, France, the Russian Federation, the United Kingdom and the United States), and **nuclear-weapon-possessing States (NWPS)**, which includes the nuclear-weapon States and non-NPT possessor States (the Democratic People's Republic of Korea, India, Israel and Pakistan). The Handbook also refers to two other categories of States: **allies of nuclear-weapon States** and **non-nuclear-weapon States**.

Although the majority of States have never embraced the nuclear deterrence security strategy, the fact that the nuclear-weapon States and their allies have continued to rely on nuclear deterrence and the nuclear-weapon States have continued to modernize their nuclear weapon systems and to maintain doctrines to use nuclear weapons in a wide range of circumstances has spurred others also to acquire nuclear weapons and adopt a nuclear deterrence doctrine in response. Efforts to prevent proliferation have thus been only partially successful. The number of nuclear-weapon-possessing States has gradually increased from two in the 1940s (the United States and the Soviet Union) to nine today (France, China, India, Israel, the Democratic People's Republic of Korea, Pakistan, the Russian Federation, the United Kingdom and the United States).

On the other hand, a number of States have given up their nuclear arsenals to become non-nuclear. They include Belarus, Kazakhstan and Ukraine (nuclear weapons acquired when the Soviet Union broke up), and South Africa. Other countries have rejected nuclear weapons deployed on their territories (Greece) or transiting through their waters (New Zealand).

Nuclear non-proliferation and disarmament agreements

A significant number and range of nuclear non-proliferation and disarmament agreements have been concluded since the beginning of the nuclear age.

Key agreements on non-proliferation have included the:

- 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), under which non-nuclear-weapon States agree not to acquire nuclear weapons;
- International Atomic Energy Agency (IAEA) safeguards applied to the nuclear energy programmes of all non-nuclear-weapon States party to the NPT, to ensure that nuclear energy technology and materials are not used in a nuclear weapons programme;
- Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the establishment of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization with the objective of promoting the universal adherence to and entry into force of the CTBT, as well as the building up of the verification regime;
- UN Security Council resolution 1540 requiring States to take additional national measures to prevent proliferation among non-State actors, through border controls, international cooperation in policing, and criminalization of proliferation activities;
- Convention on the Physical Protection of Nuclear Material and its 2005 amendment;
- 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988 SUA Convention);

- 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (1988 Fixed Platforms Protocol);
- 2005 International Convention on the Suppression of Acts of Nuclear Terrorism, designed to criminalize acts of nuclear terrorism and to promote police and judicial cooperation to prevent, investigate and punish such acts;
- Security Council resolutions dealing with specific cases of proliferation or potential proliferation, including resolutions relating to Iraq's weapons of mass destruction, nuclear tests by the Democratic People's Republic of Korea, India and Pakistan, and the nuclear fuel cycle activities of the Islamic Republic of Iran;
- Guidelines developed by the Nuclear Suppliers Group on export of nuclear technology and materials to non-nuclear-weapon States in order to reduce proliferation risks from such transfers; and
- treaties to establish nuclear-weapon-free zones in Antarctica, Latin America and the Caribbean, the South Pacific, South-east Asia, Africa and Central Asia, as well as in outer space, on the sea-bed and on the Moon.

The set of non-proliferation agreements would provide a fairly comprehensive approach to preventing proliferation and to verification, if they were accepted and implemented by all States.

The history of nuclear disarmament, however, has been one primarily of grand aims but only small incremental steps. The United States and the Russian Federation have concluded a number of confidence-building arms control measures and arms limitation agreements, including the:

- 1971 Nuclear Accidents Agreement;
- 1972 Anti-Ballistic Missile (ABM) Treaty (the United States withdrew in 2002);
- 1972 Strategic Arms Limitation Treaty (SALT);
- 1987 Intermediate-Range Nuclear Forces (INF) Treaty;
- 1988 Missile Launch Notification Agreement;
- Strategic Arms Reduction Treaties, including START I of 1991 (expired in 2009) and START II of 1993 (never entered into force);

- 1992 De-MIRVing agreement;
- 2003 Strategic Offensive Reductions Treaty (SORT) (superseded by New START); and
- 2010 New START.

However, both countries continue to maintain approximately 19,000 nuclear weapons in their stockpiles, 2,000 of which are on high operational readiness to use under launch-on-warning policies, i.e. to launch a retaliatory strike on the warning of an incoming attack even before any nuclear weapon has hit. In addition, between 150 and 200 US tactical nuclear weapons remain deployed in several European non-nuclear-weapon States.

India and Pakistan have also agreed to confidence-building measures, including the:

- 1998 Prohibition of attacks against nuclear facilities agreement; and
- 2007 Agreement on Reducing the Risk from Accidents Relating to Nuclear Weapons (extended in 2012).

Yet, there have been no negotiations, let alone agreements, among the nuclear-weapon-possessing States on plans for multilateral nuclear disarmament. Meanwhile, all countries possessing nuclear weapons have made long-term plans to modernize or improve nuclear warheads or their delivery systems.

Progress on nuclear disarmament is instrumental in preventing proliferation. The ongoing policies of nuclear possession and the threat of use of nuclear weapons provide a rationale for other States to acquire nuclear weapons in their defence, and a justification to refuse comprehensive safeguards on their nuclear energy programmes. In addition, the continuing existence of nuclear-weapon technology and fissile materials gives other States the technical capacity to acquire such technology and materials, including on the black market. In contrast, the development of comprehensive legal, technical, institutional and political mechanisms to abolish and eliminate nuclear weapons would make it much more difficult, if not impossible, for non-nuclear-weapon States to develop or acquire such weapons.

As such, Article VI of the NPT affirms that all States Parties should “pursue negotiations in good faith on effective measures relating

to cessation of the nuclear arms race at an early date and to nuclear disarmament”.⁹

Efforts to establish a legal obligation to abolish nuclear weapons were advanced considerably in 1996 by the International Court of Justice, the highest judicial authority in the UN system. In its landmark *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, the Court affirmed that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law”. It unanimously concluded that there is “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”.¹⁰

Following up on the Advisory Opinion, the UN General Assembly has adopted, every year beginning in 1996, a resolution calling upon all States immediately to fulfil that disarmament obligation by commencing multilateral negotiations “leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination”.¹¹

In 1998, a group of like-minded States called the New Agenda Coalition (NAC) was established to prompt nuclear-weapon States to agree to an action agenda for implementing their nuclear disarmament obligation. In 2000, the NAC succeeded in moving those States to agree to “an unequivocal undertaking (...) to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all NPT States Parties are committed under Article VI”.¹²

However, very little was done by the nuclear-weapon States to implement this undertaking until the 2010 NPT Review Conference. At that time, the five nuclear-weapon States party to the NPT agreed to a number of disarmament steps, and to report back to the 2015 NPT Review Conference on progress made on such steps.

The States party to the NPT also agreed in 2010 that the process to achieve nuclear disarmament did not rely solely on actions by the nuclear-weapon States, but that “[a]ll States need to make special efforts to establish the necessary framework to achieve and maintain

a world without nuclear weapons”.¹³ The Middle Powers Initiative – an organization which brings together representatives of middle-power governments to explore the elements necessary for achieving and maintaining a nuclear-weapon-free world - considers that this agreement now gives non-nuclear-weapon States the green light to commence preparatory work on a global agreement to ban nuclear weapons, engaging with the nuclear-weapon States but not waiting for their consent.¹⁴ This process would be similar to the Ottawa and Oslo processes, whereby like-minded countries negotiated global treaties banning anti-personnel landmines and cluster munitions without waiting for the agreement of all the countries possessing these weapons. In fact, there have been calls for an “Ottawa process for nukes”.¹⁵

Role of the UN Security Council

At its first summit meeting, on 31 January 1992, the UN Security Council issued a Presidential Statement reaffirming “the need of all Member States to fulfil their obligations in relation to arms control and disarmament” and declaring the proliferation of weapons of mass destruction to be a “threat to international peace and security”.¹⁶ Yet, with respect to nuclear weapons, the UN Security Council has generally focused on non-proliferation rather than disarmament.

It has, for example, acted resolutely in response to specific proliferation situations or threats relating to Iraq’s weapons of mass destruction programmes, nuclear tests by India, Pakistan and the Democratic People’s Republic of Korea, and proliferation concerns arising from the Iranian nuclear fuel cycle activities. However, it has tended to be silent on threats stemming from the policies and practices of the primary nuclear-weapon States – China, France, the Russian Federation, the United Kingdom and the United States. This can be explained – but not justified – by the fact that each of these five States is a permanent member of the Security Council with the power to veto any proposed Security Council action. The Security Council has also been rather quiet on Israel’s nuclear weapons programme, other than to call for a Middle East zone free from nuclear weapons and other weapons of mass destruction.

The Security Council appears to have a responsibility to act on nuclear disarmament arising from its mandate to act on threats to international

peace and security, and more directly from its obligation under Article 26 of the UN Charter to prepare plans for a system of regulation of armaments in order to minimize the diversion of human and economic resources to armaments.



© UN/ Paule Figuetras

President Oscar Arias (Costa Rica) presiding over the UN Security Council Special Session in 2008.

The Security Council indicated that it might become more active in November 2008, when it held its first meeting on the implementation of Article 26 of the UN Charter, chaired by President Oscar Arias of Costa Rica,¹⁷ and again in 2009, when it adopted a resolution, at a meeting chaired by US President Barack Obama, calling upon all States to undertake in good faith negotiations on nuclear disarmament and inviting non NPT-parties to “join in this endeavour”.¹⁸

In April 2012, the President of the Security Council reaffirmed the Council’s “support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability”.¹⁹

In summary, nuclear disarmament is – and has long been – recognized by the world community as an objective of the highest priority, and all States – not just the possessor States – have committed themselves

through the international legal framework to earnestly pursuing this goal. However, the nuclear-weapon States have been slow to take action to implement this obligation, and the non-nuclear-weapon States have largely been waiting for them to take such action.

Parliamentarians have a role to play in prompting the nuclear-weapon States to act on their obligations, and also in encouraging non-nuclear-weapon States not to wait for the nuclear-weapon States to start themselves building the framework for a nuclear-weapon-free world. That framework should include comprehensive legal, technical, political and institutional mechanisms to ensure verified and enforced elimination of nuclear weapons and the prevention of any proliferation or re-armament.

Recent political momentum

The vision for a nuclear-weapon-free world has recently been advanced by leaders and high-level officials (current and former) of key States, including those possessing nuclear weapons or embracing nuclear deterrence doctrines. The goal has been supported by legislators, high-ranking military officials, academics, disarmament experts and other segments of civil society.

This recent flurry of support was sparked by a 2007 *Wall Street Journal* op-ed by former US high-level officials George Shultz, Henry Kissinger, William Perry and Sam Nunn.²⁰ In it, these eminent statesmen – who had done much to foster a nuclearized world – recognized the need to abandon nuclear weapons. They argued that, although nuclear weapons had a role to play in preventing a war between the two superpowers during the Cold War era, in the emerging multi-polar world of the 21st century nuclear weapons are not only increasingly irrelevant in providing security, their continued possession is likely to lead to proliferation and a heightened potential for nuclear catastrophe. They were joined by their counterparts from countries across the globe. In the process they have revitalized the drive to abolish nuclear weapons.²¹

The nuclear disarmament issue was then put squarely on the world community's agenda by UN Secretary-General Ban Ki-moon, who put forward the Five-Point Plan on Nuclear Disarmament in October 2008, proposing inter alia consideration of negotiations on a nuclear weapon

convention or a framework of separate mutually reinforcing instruments.²² The Plan has earned support in forums of every kind and at every level, including in a resolution adopted by the IPU in 2009.²³ It was also referenced in the Final Document of the 2010 NPT Review Conference.²⁴

A number of civil society efforts are contributing to the political momentum for a nuclear-weapon-free world. Over 5,000 cities have joined the Mayors for Peace campaign to achieve the abolition of nuclear weapons by 2020 under a nuclear weapons convention. Global Zero, a high-level group of 129 political, military, business, faith and civic leaders from around the world, has highlighted the financial burden of nuclear weapons and provided a roadmap for achieving a nuclear-weapon-free world. The International Campaign to Abolish Nuclear Weapons (ICAN), launched in 2007, is prominent in social media, with videos and individual action to advance a nuclear weapons convention. The Abolition 2000 Global Network for the Elimination of Nuclear Weapons, which was founded in 1995, has been endorsed by over 2,000 organizations and is building government support for a nuclear weapons convention, including through the relevant UN resolution and the UN Secretary-General's Five-Point Plan. Abolition 2000 member organizations spearheaded the drafting of the Model Nuclear Weapons Convention,²⁵ which has now been promoted by the UN Secretary-General as a starting point for negotiations on the convention. Public opinion polls commissioned by Abolition 2000 indicate overwhelming public support for a nuclear weapons convention, including in the nuclear-weapon-possessing States.

In addition, several eminent commissions, including the Weapons of Mass Destruction Commission (chaired by Hans Blix) and the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND - chaired by Gareth Evans and Yoriko Kawaguchi), have proposed plans containing practical ideas to bring the Global Zero vision closer to reality. Although such proposals may offer different approaches to nuclear disarmament (comprehensive versus incremental, and everything in between), they generally agree that nuclear non-proliferation and disarmament – recognized as mutually reinforcing and inseparable objectives – can only be achieved as a result of a concerted effort.

These developments also set the stage for US President Barack Obama to put forward, in an April 2009 speech in Prague, the vision of a

nuclear-weapon-free world, which has since been supported by numerous other Heads of State. A year later, the United States and the Russian Federation signed New START, which requires both Washington and Moscow to reduce the number of deployed strategic nuclear warheads from about 2,200 to no more than 1,550 in seven years. New START was ratified by the parliaments of both countries in December 2010/January 2011 and entered into force in February 2011.

In 2010 the NTP States Parties further invigorated this newfound disarmament drive by including the following provision in the action plan on nuclear disarmament:

“The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”²⁶

This agreement has stimulated a number of high-level calls for States to commence negotiations on a nuclear weapons convention, or at least to commence a like-minded process to begin preparatory work on the elements of such a convention in order to encourage and assist negotiations. Such calls have come, for example, from the Inter-Action Council, a group of 20 former Heads of State (including from Australia, Canada, Germany, Jordan, Latvia, Mexico, Norway and the United States),²⁷ and from the 2011 Summit of Latin American and Caribbean States (CELAC).²⁸

As such, the international community has recognized that it is now insufficient and even fruitless to focus solely on the next non-proliferation and disarmament steps. A comprehensive approach to nuclear disarmament must be developed alongside and as a complement to the step-by-step process.

Formidable obstacles nevertheless remain, as illustrated by the persistent deadlock in the Conference on Disarmament, the forum established to negotiate multilateral arms control and disarmament agreements. Since it completed the text of the CTBT in 1996, the Conference has been

paralysed by the consensus rule under which it operates. A discussion of the issues preventing it from breaking the long-standing impasse falls outside the scope of this Handbook. What can be noted, however, is that it is entirely unacceptable that on an issue as critical as disarmament – especially nuclear disarmament – one of the key institutions of the UN disarmament machinery has for over a decade and a half not even been able to adopt a work programme.²⁹ Determined efforts by the UN Secretary-General³⁰ and by Conference Member States have failed to break this deadlock. A number of States have therefore been advancing possible approaches to commence multilateral disarmament work outside the Conference, possibly by having the Conference work programme established by a majority vote in the UN General Assembly.³¹ The programme would include multilateral action to negotiate a treaty on fissile materials, an agreement by the nuclear-weapon States not to threaten to use or use nuclear weapons against non-nuclear-weapon States, deliberations on prevention of an arms race in outer space, and deliberations leading to negotiations on comprehensive nuclear disarmament.

In short, notwithstanding high-level support for the goal of nuclear disarmament and agreements at the UN General Assembly and NPT Review Conferences, there is still no start to multilateral negotiations on nuclear disarmament, and only minimal progress has been made on nuclear-weapon reductions and nuclear non-proliferation steps. Many States seem to live by Mark Twain's quip, "Never put off until tomorrow what you can do the day after tomorrow." Wrongly so, as the risks arising from the increasingly dangerous nuclear status quo by no means justify such inactivity.

Parliamentarians have a responsibility to ensure that governments stop making excuses for inaction, and focus political attention and diplomatic resources on achieving results.

Unacceptable risks

The global nuclear weapons complex entails a kaleidoscope of risks, not least owing to the maintenance of about 2,000 nuclear weapons on high-alert status. As Dr. Bruce Blair, Co-Founder of Global Zero and former Minuteman ballistic-missile launch-control officer, has noted:

“While the common view was of weapons sitting around in stockpiles, the system is dynamic (...) it daily projects threat to any and all potential adversaries. And as a result of this readiness, and constant activity, there are numerous risks inherent in the nuclear weapons regime, including the risks of inadvertent launch, unauthorized launch, launch based on inaccurate information, and possible theft and acquisition by non-state actors.”³²

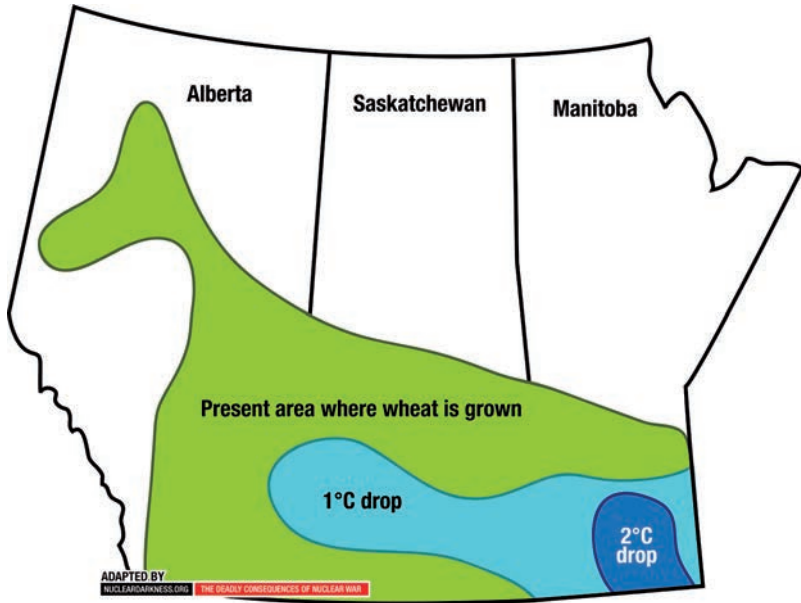
Former US Secretary of Defence William Perry has estimated the chance of a nuclear terrorist incident within the next decade at roughly 50 per cent.³³ US Senator Richard Lugar, in a survey of 85 national security experts, found that a median of 20 per cent agreed on the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years”.³⁴ Even if such predictions are thought to err on the side of optimism, risk analyses projecting extremely low probabilities should spur policymakers to action, given the devastating effects of an intentional or accidental nuclear explosion.

The probability of the combination of events leading to the Fukushima disaster occurring was considered so low as not to warrant attention and contingency planning – in hindsight much to our detriment. The probability of a nuclear weapons catastrophe occurring is not only higher than the Fukushima disaster, but its consequences would dwarf that event. We do not have the option of waiting until after a nuclear weapons catastrophe to learn from our mistakes and take action for future disasters. The risks are simply too great.

Growing understanding of the potential climatic effects – and humanitarian consequences – of a nuclear war has inspired some governments to take action. Recent research has revealed that even a limited regional nuclear exchange would eject so much debris into the atmosphere that it could cool down the planet to temperatures not felt since the ice ages (“nuclear winter”) and significantly disrupt the global climate for years to come. Huge fires caused by nuclear explosions, in particular from burning cities, would lift massive amounts of dark smoke and aerosol particles into the upper strata of the atmosphere, where the absorption of sunlight would further heat the smoke and lift it into the stratosphere. Here the smoke could persist for years and block much of the sun’s light from reaching the earth’s surface, causing surface temperatures to drop drastically. This would have disastrous implications for agriculture, and threaten the food supply for most of the planet. It has been

estimated that up to one billion people could die of starvation as a result.³⁵

Figure 1: Projected Canadian wheat production loss after global drops in average surface temperature caused by nuclear weapons use.



Source: Nucleardarkness.org

Given these recent studies and developments, parliamentarians can call on a wider range of constituencies to support their nuclear disarmament efforts, including the environmental and development communities.

Nuclear disarmament as a humanitarian and legal imperative

In addition to its recognition of the importance of pursuing a comprehensive approach to nuclear disarmament (through a nuclear weapons convention or framework of agreements), the 2010 NPT

Review Conference created an important opening for bringing the rule of law to disarmament. It expressed “its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirm[ed] the need for all States at all times to comply with applicable international law, including international humanitarian law”.³⁶

In February 2011, a group of international law experts, convened by the Simons Foundation and the Lawyers’ Committee on Nuclear Policy, produced the Vancouver Declaration, “Law’s Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World”, which underlines the incompatibility of nuclear weapons with elementary considerations of humanity.³⁷ The Declaration has received high-level endorsements from



Ed Ou/Reportage by Getty Images

Berik Syzdykov, 29, sings and plays the piano in an apartment in Semey, Kazakhstan (November 2008). Berik was born deformed and without eyes due to radiation exposure from nuclear testing during the Cold War.

former judges of the International Court of Justice, leading international law scholars, parliamentarians, and former diplomats and officials. More recently, the Council of Delegates of the International Red Cross and Red Crescent Movement adopted a resolution entitled: “Working towards the elimination of nuclear weapons”, which affirms the irreconcilability of nuclear weapons with international humanitarian law. It “emphasizes the incalculable human suffering that can be expected to result from any use of nuclear weapons [and] the lack of any adequate humanitarian response capacity”, and calls for States to undertake negotiations to prohibit and eliminate nuclear weapons through a legally binding international agreement.³⁸

The increased attention to the application of international humanitarian law in the nuclear weapons debate is a welcome development, and has the potential to help break the impasse and open the way for genuine progress, just as it did in the case of anti-personnel landmines and cluster munitions. International humanitarian law, by focusing on the humanitarian effects of the weapons, provides an imperative for a ban, as compared to a more limited approach to control and gradually reduce the numbers of weapons, which is generally preferred by the weapon possessors. One advantage of this approach is that international humanitarian law is acknowledged as binding on all States at all times, as was affirmed at the 2010 NPT Review Conference. This means that security planners have to think beyond mere considerations of military necessity in order to plan their approaches to security. If the law renders the use of nuclear weapons illegal, which it appears to do in most – if not all – circumstances, then military planners have to develop other methods to replace their reliance on nuclear weapons - methods that are compatible with the law.

Parliamentarians, as lawmakers and elected representatives, have a responsibility to ensure that governments adhere to legal requirements internationally as well as nationally. Just as parliamentarians responded to the humanitarian consequences of anti-personnel landmines and cluster munitions by impelling their governments to join the negotiations for the treaties prohibiting them, so, too, can they invoke international humanitarian law to press their governments to join negotiations to prohibit nuclear weapons globally.

From nuclear deterrence to non-nuclear security

The International Court of Justice, in considering the legality of the threat or use of nuclear weapons, affirmed that any threat or use would generally be inconsistent with the rules of law applicable in wartime, including international humanitarian law. However, the Court also noted the practice of nuclear deterrence, which is ascribed to by the nuclear-weapon States and their allies (under extended nuclear deterrence relationships). As this was a practice that had been part of the security doctrines of a significant number of States, the Court could not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence in which the very survival of a State would be at stake.

The Court indicated that the key to this dilemma lay in the obligation to pursue in good faith, and bring to a conclusion, negotiations on nuclear disarmament in all its aspects under strict and effective international control. Such negotiations would need to include the development of security methods and mechanisms to replace nuclear deterrence.

Senior US statesmen George Shultz, William Perry, Henry Kissinger and Sam Nunn argue that while nuclear deterrence was vital to prevent world war and to ensure national security in the bipolar world that existed from 1945 until 1991, the doctrine “is becoming increasingly hazardous and decreasingly effective” in a world which has outgrown the security framework of the Cold War”.³⁹

However, this perspective has not been embraced by the nuclear-weapon States and their allies, which continue to ascribe a key role to nuclear deterrence in providing security.

Some analysts claim that security through nuclear deterrence is illusory, and that the real reason States hold on to nuclear weapons does not have to do with security but rather power projection, domestic politics or the political influence of the weapons industry.

Others claim that nuclear deterrence is perhaps not required by countries with large and modern conventional forces or where there is little realistic risk of invasion that would threaten the existence of the State, but might perhaps be required by smaller countries in vulnerable positions that have been threatened with attack, such as Israel, the Islamic Republic of Iran or the Democratic People’s Republic of Korea.

Regardless of whether nuclear deterrence is illusory or provides a real security benefit, if it is perceived as necessary by a State (and the State's population) then it will not be possible to abandon the policy and achieve a nuclear-weapon-free world until there is a change in perception, or nuclear deterrence has been replaced by alternative security methods or mechanisms.

Those States that still ascribe to the nuclear deterrence doctrine must therefore identify the specific situations in which they believe nuclear deterrence plays, or could play, a security role, and examine alternative approaches to achieving security in those situations. Such exploratory work should take into consideration the 21st century security issues, environment and mechanisms, which are fundamentally different from those of the 20th century.

The 7th World Summit of Nobel Peace Laureates concluded that:

“The failure to address the nuclear threat and to strengthen existing treaty obligations to work for nuclear weapons abolition shreds the fabric of cooperative security. A world with nuclear haves and have-nots is fragmented and unstable, a fact underscored by the current threats of proliferation. In such an environment cooperation fails. Thus, nations are unable to address effectively the real threats of poverty, environmental degradation and nuclear catastrophe.”⁴⁰

Economic dimensions

In December 2010, Global Zero released an analysis indicating that approximately US\$ 100 billion per year was being spent globally on nuclear weapons, with almost 50 per cent of that being spent in the United States alone.⁴¹ In comparison, the **biennial** United Nations budget for 2012/2013 is US\$ 5.1 billion, or 5 per cent of the **yearly** global nuclear weapons budget. The costs of meeting the Millennium Development Goals – of basic education, primary health care, minimum food, clean water, and environmental protection (including climate change prevention and alleviation) – are estimated at US\$ 120 billion per year, just slightly more than the nuclear weapons budget.

Allocating such massive budgets to weapons systems designed in the hope they will never be used not only steals economic resources from other vital programmes, it also drains the social capital required to stimulate

economies. Dollar for dollar, investing in nuclear weapons creates far fewer jobs than virtually any other industry; nuclear weapon systems are high-tech and have virtually no economic flow-on to other industries or other economic activities. In addition, the intellectual activity devoted to modernizing and developing nuclear weapon systems steals such intellect from areas of social and economic need. The nuclear-weapon corporations might get richer, but everyone else gets poorer.

Of course, such expenditure might be justified if economies were booming, basic human needs were being universally met, and nuclear weapons guaranteed the security of all, without the threat of disaster by miscalculation, accident or intent. In the emerging security environment of the 21st century, however, it is becoming increasingly difficult to claim that these conditions hold. Rather, there is a growing imperative to reduce nuclear budgets and invest instead in cooperative mechanisms that meet the range of human, national and global security needs.

UN Secretary-General Ban Ki-moon, in a letter addressed to all parliaments in February 2010, noted that:

“At a time when the international community is facing unprecedented global challenges, parliamentarians can take on leading roles in ensuring sustainable global security, while reducing the diversion of precious resources from human needs. As parliaments set the fiscal priorities for their respective countries, they can determine how much to invest in the pursuit of peace and cooperative security.”⁴²

Nuclear disarmament, an obligation for all States and all constituents

Although the nuclear-weapon States should continuously be reminded of their disarmament obligations, other States should not wait for them to initiate a process leading to the enactment of a universal, verifiable, irreversible and enforceable legal ban on nuclear weapons. The Final Document of the 2010 NPT Review Conference affirms that “all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons”.⁴³ Similarly, the NPT places the disarmament obligation on “[e]ach of the Parties to the Treaty”.⁴⁴ Likewise, UN Security Council resolution 1887 (2009) *inter alia* calls on all States to undertake in good faith negotiations on

nuclear disarmament – not just the nuclear-weapon States or NPT States Parties.

Furthermore, in order to achieve the global prohibition and elimination of nuclear weapons, different stakeholders and constituencies will need to be mobilized. Undeniably, parliaments and parliamentarians have a key role to play in this process.

In the chapters that follow, this Handbook seeks to identify good policies and practices aimed at advancing nuclear non-proliferation and disarmament goals, formulating a series of recommendations for further parliamentary action and thus emphasizing the role parliaments and their members can play in such efforts.

EXAMPLES OF GOOD PRACTICE AND RECOMMENDATIONS FOR PARLIAMENTS AND PARLIAMENTARIANS

“The parliaments of the world are the bridges between government and civil society. They provide the funds to pay for national initiatives. Through their deliberations, they help to shape policy, and through their investigative and oversight powers they build public accountability. They provide a bulwark to ensure that governments comply with their international commitments and pledges – a role that at times requires the enactment of domestic legislation. These functions are absolutely vital to the future of nuclear disarmament. They help to give disarmament not only vision, but also some backbone, muscle, and teeth.”

United Nations Under-Secretary-General Jayantha Dhanapala
UK House of Commons, 3 July 2000

It is commonly understood that nuclear non-proliferation implies obligations for, and requires implementing measures by, all States. Nuclear-weapon States have an obligation not to transfer nuclear weapons or nuclear-weapon technology to non-nuclear States or non-State actors. Non-nuclear-weapon States have an obligation not to acquire nuclear weapons.⁴⁵ All States have an obligation to ensure there are adequate safeguards on nuclear energy programmes to prevent any diversion towards a nuclear weapon capability, either by themselves, non-State actors or other States.

On nuclear disarmament, the tendency has been to assume that obligations for action rest primarily on the States possessing nuclear weapons – and that all the other States can do is encourage the possessing States to act for their elimination.

Although technically speaking nuclear disarmament will come about as the result of the possessor States dismantling and destroying the nuclear weapons in their arsenals, the process to achieve and sustain a world free of nuclear weapons is more complex; it necessitates action and cooperation by a range of States, including those possessing nuclear weapons, allies covered by extended nuclear deterrence doctrines, and non-nuclear-weapon States.

Nuclear abolition is not just about dismantling and destroying existing nuclear weapons. It is about building a framework that makes it easier to forgo a security doctrine (i.e. nuclear deterrence) that has been perceived as vital to the security of a large number of States (nuclear-weapon States and their allies) and proved to be highly contagious in the aftermath of two successive world wars. It is also about eliminating a weapons system that has not only threatened those States which possess the weapons and might use them against each other, but also all of humanity – and perhaps life itself. Thus, all States have an interest, a responsibility and a role to play in the achievement of a nuclear-weapon-free world.

Although some measures will need to be taken universally, others will be specific to certain types of States. Parliamentarians will at times need to take action specific to their type of State – nuclear, ally or non-nuclear; at others, they will have to take measures that are applicable universally.

Parliamentarians in the nuclear-armed countries probably have the greatest responsibility to take action on multiple fronts: curbing nuclear weapons modernization, reducing the operational readiness to use nuclear weapons (taking them off alert), promoting stockpile reduction, assuring non-nuclear-weapon States that nuclear weapons will not be used against them, reducing nuclear weapons budgets, exploring verification measures for warhead destruction and weapon reductions, ensuring disarmament negotiations among all nuclear-weapon-possessing States, and securing nuclear weapons and fissile materials to prevent proliferation.

Parliamentarians from nuclear allies have a key part to play, working in conjunction with their colleagues in nuclear-weapon States, in diminishing the role of nuclear weapons in security doctrines, advancing cooperative security measures to replace the reliance on nuclear weapons, and advancing the norm and practice of the non-use of nuclear weapons, or bans on their use, pursuant to global prohibition.

Nuclear Zero: The role of parliamentarians

Today's global security environment is so complicated that the goal of Nuclear Zero cannot be attained without the cooperation and commitment of all nuclear-weapon-possessing States and their allies, and of key non-nuclear-weapon States.

In this process, the engagement and mobilization of legislatures and their members is of critical importance. They play a vital role in building political momentum, government commitment and the elements of the framework for a nuclear-weapon-free world.

Parliaments debate security mechanisms, including those which diminish or eliminate the role of nuclear weapons. They allocate funds for the diplomatic and technical work required to establish a disarmament regime. They adopt national implementation measures, including on border patrol, policing, securing nuclear materials and facilities, criminalizing banned activities, ensuring cooperation between government agencies, promoting public education to support nuclear disarmament, and honouring treaty obligations. Parliamentarians also liaise with colleagues in other parliaments to develop coordinated approaches between countries and regions.

In addition, there are other actions available to parliamentarians to support nuclear non-proliferation and disarmament, including convening special parliamentary debates, engaging in policy dialogues in parliamentary chambers, publishing parliamentary reports, joining or attending all-party groups on disarmament and non-proliferation, convening joint-hearings with parliamentary committees of other countries, launching investigations, publishing op-eds in newspapers or journals, and establishing disarmament caucuses among parliamentarians.

Parliamentarians from non-nuclear-weapon States can adopt immediate measures on nuclear prohibition and criminalization, including establishment of nuclear-weapon-free zones, national prohibition legislation, divestment from nuclear weapon corporations and by advocating for international criminalization of nuclear-weapon use in the Statute of the International Criminal Court.

Parliamentarians from all States – nuclear, allies and non-nuclear – can promote disarmament education, negotiations for a global nuclear

Nuclear allies and deterrence

Whether or not the capability of nuclear weapons to deter would-be attackers is illusory or exaggerated, as long as they are perceived to offer security, possessors will be averse to doing away with them and allies to losing the supposed protection of “extended deterrence”.

As such, allies of nuclear-weapon-possessing States – who often have advanced nuclear capabilities themselves – can either be catalysts for achieving a world free of nuclear weapons (they can persuade and cooperate with possessor States to move to security without nuclear weapons) or be its strongest opponents, if they are reluctant to phase out extended deterrence in their national security policies.

abolition treaty (or framework of agreements), and preparatory work on various elements of such a treaty, including verification requirements and technologies; they can build the necessary institutions to implement such a treaty (or link existing institutions for that task), explore security frameworks for a nuclear-weapon-free world, and build political momentum for negotiations.

This Handbook therefore considers parliamentary measures from all three categories of States, as well as those from and available to all States. More specifically, it explores action on nuclear non-proliferation and disarmament already (being) taken by parliamentarians and parliaments, examines how these can be expanded and improved, and considers what additional action may be required and the relationship between parliaments and governments in forging global security without nuclear weapons. Some examples of good practice might not involve parliamentary action, yet are still worth highlighting as they can inspire such action.

The Handbook categorizes examples of good practice and recommendations for parliamentary action as follows:

1. Stockpile reductions
2. Nuclear tests
3. Nuclear facilities and materials
4. Terrorism and criminality

-
5. Nuclear deterrence and security
 6. Nuclear-weapon-free zones
 7. Verification, compliance, and enforcement
 8. Nuclear spending, corporations, and scientific research
 9. Laws and norms: toward non-use and prohibition
 10. Negotiations for a nuclear disarmament treaty or package of agreements
 11. Developing the mechanisms and the institutions for nuclear disarmament
 12. Disarmament education

These categories correspond to key issues related to nuclear non-proliferation and disarmament. It is important to note that there is considerable overlap between these issues, and improvements in one area will often contribute to attaining success in others. For example, progress on securing, consolidating and eliminating nuclear materials and facilities greatly enhances efforts to combat nuclear terrorism. Similarly, strengthening verification measures and developing other non-use and prohibition norms could benefit negotiations for a nuclear disarmament treaty or framework of agreements. Importantly, phasing out reliance on the policy of nuclear deterrence would be highly conducive to making progress in all other areas.

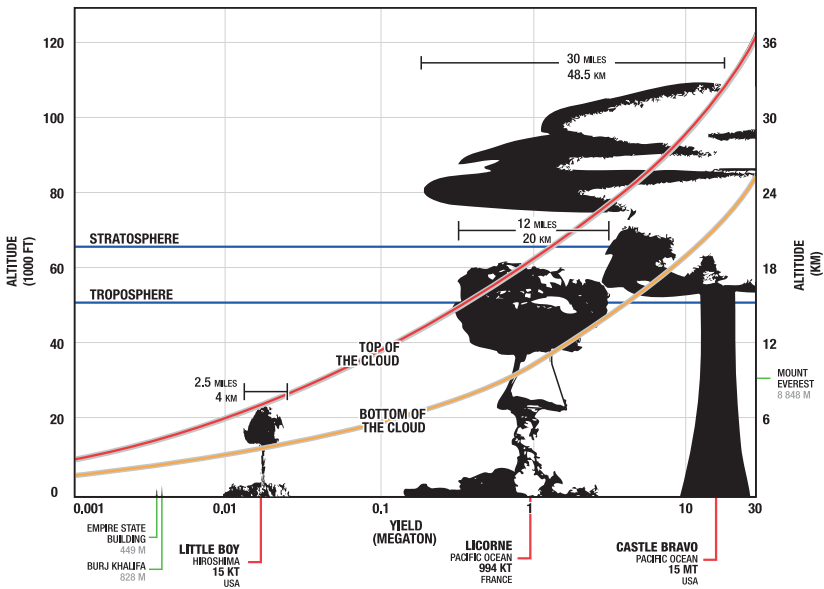


STOCKPILE REDUCTIONS

The 2009 IPU resolution on nuclear non-proliferation and disarmament starts by calling “on all nuclear-armed States to make deeper, faster and irreversible cuts to all types of nuclear weapons”.⁴⁶

There are approximately 19,000 nuclear weapons in the stockpiles of nine nuclear-weapon-possessing States. They have a combined explosive yield of 6 billion tonnes (6,000 megatons of TNT). This is 500,000 times more destructive than the bombs that destroyed Hiroshima and Nagasaki in 1945. The blast, radiation and climatic consequences of the possible use of these weapons continue to pose the most destructive human-made threat to the planet.

Figure 2: Surface detonation cloud height vs. explosive yield.



Source: Nucleardarkness.org

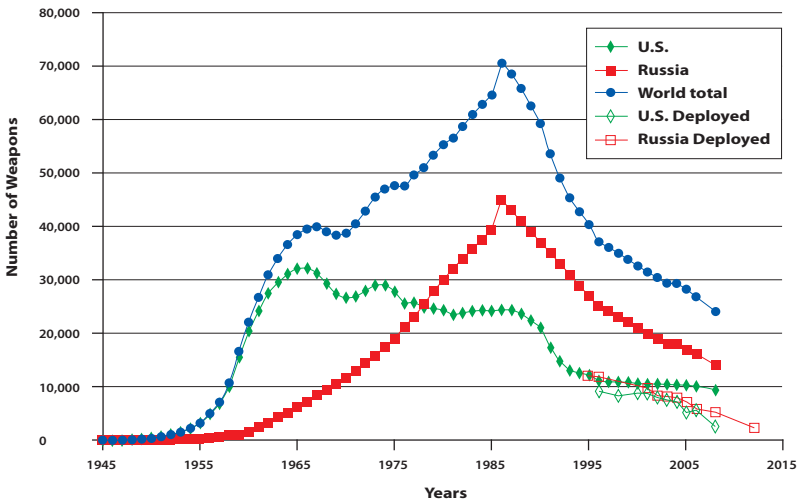
At the height of the Cold War, there were nearly three times as many nuclear weapons.

At the historic 1986 Reykjavik Summit, US President Reagan and Soviet General Secretary Gorbachev rejected the nuclear orthodoxy of the time, which was to continue expanding the size, type and number of nuclear weapons. They halted the nuclear arms race and came close to a deal to eliminate all their nuclear weapons. The summit paved the way for a series of far-reaching arms control treaties and agreements between both countries. As a result, the United States and the Russian Federation have steadily, substantially and verifiably reduced their nuclear forces and stockpiles since the end of the Cold War.

Other nuclear-weapon States have also reduced their arsenals, while yet other States that inherited nuclear weapons after the dissolution of the Soviet Union, or had advanced nuclear-weapon programmes themselves, have dismantled and destroyed their stockpiles.

In addition, the number of nuclear weapons deployed on foreign territories, most notably US nuclear weapons in NATO Member States, has been reduced by 95 per cent since the height of the Cold War, with

Figure 3: Worldwide, US and Russian nuclear stockpile.



(Source: Alan Robcock, Rutgers University, 2010)

complete removal from at least one State in which such weapons were formerly deployed. Currently, about 200 US nuclear weapons remain deployed in NATO States.

Further sizeable reductions in the arsenals of Washington and Moscow – which between them control more than 90 per cent of the world’s nuclear weapons – are critical to achieving vital nuclear security goals. So too are reductions in the stockpiles of the other nuclear-weapon States, all five of which agreed at the 2010 NPT Review Conference to commence a process of multilateral negotiations to:

- rapidly move to an overall reduction in the global stockpile of all types of nuclear weapons; and
- address the question of all types of nuclear weapons regardless of the type and location.⁴⁷

Such reductions would lower the threat of a large-scale nuclear war and build confidence between the nuclear-weapon States. It would also demonstrate that they have the political will to implement their disarmament obligations, which would assist in moving other countries towards tighter non-proliferation controls. The basic agreement in the NPT was that non-nuclear States would not acquire nuclear weapons and would accept non-proliferation controls in return for the nuclear-weapon States moving systematically towards nuclear disarmament.

Such reductions, in the short to medium term, could be hastened by changes in the nuclear deterrence policies and practices of the nuclear-weapon States, including moving to sole purpose, taking all nuclear forces off alert, abandoning launch-on-warning, and rejecting the arguably illegal doctrine of massive retaliation.

With regard to nuclear weapons deployed in NATO countries (tactical or sub-strategic weapons), some NATO governments have tended to link progress on reductions and complete removal of these weapons with an agreement by the Russian Federation to reduce its much larger number of tactical weapons. Others argue that unilateral reductions of NATO nuclear weapons would not threaten their security and could prompt the Russian Federation to take measures similar to the successful unilateral Presidential Nuclear Initiatives of 1991 (see below). Another point to focus on is the process to eliminate nuclear stockpiles and achieve complete nuclear disarmament, which would be greatly facilitated by the

rejection of nuclear deterrence and/or its replacement by other security policies. (See **Nuclear stockpiles: How many nukes are needed for nuclear deterrence?** below.)

Nuclear Stockpiles: How many nukes are needed for deterrence? 1 500, 150, 15, 5 or 0?

In some ways this question is similar to the one that perplexed religious philosophers centuries ago: “How many angels can you fit on the head of a pin?” The answer has more to do with security perspectives than any empirical reality. If nuclear deterrence indeed works – and opinions vary on this – a few nuclear weapons could be deemed sufficient, as those few weapons could threaten another country with “unacceptable” damage in retaliation for any potential or actual act of aggression. The Democratic People’s Republic of Korea, for example, now has a deterrence policy based on low numbers of nuclear weapons – less than 10. However, there is no defined quantification of what “unacceptable” damage means. How much of the enemy’s military forces, territory and assets would need to be threatened in order to deter an otherwise determined aggressor country?

There is also a wide range of perspectives on what – and how many – targets there need to be for a nuclear arsenal. Current nuclear doctrines require multiple purposes for nuclear weapons – to deter a nuclear attack, plus to address potential development of chemical weapons, biological weapons and even to counter threats from conventional weapons. In addition, military planners require further nuclear weapons if they feel that some of their nuclear weapons could be destroyed by ballistic missile defences, or by a first strike from the other side. Such a first strike appears feasible because both the United States and the Russian Federation have policies of first use and their weapons poised on high alert. A move to sole purpose (nuclear weapons would only serve to deter other nuclear weapons), no first use, de-alerting, moving nuclear weapons to submarines (fairly invulnerable to a first-strike attack) and controls on ballistic missile defences would relieve the perceived military need for large numbers of nuclear weapons.

Thus, there are a variety of perspectives on the number of nuclear weapons required for nuclear deterrence, including by the United States and the Russian Federation, ranging from a dozen to over 1,000.

If nuclear-weapon-possessing States take into consideration international law in their nuclear planning, then it is likely that they would not be able to possess very many nuclear weapons, if any at all, as laws applicable in time of war preclude using weapon systems that indiscriminately harm civilians, cause long-term and severe damage to the environment, violate neutral territory or cause unnecessary suffering (including long-term illness) to combatants. This would definitely rule out the use of nuclear weapons against or near cities, and probably in most other locations as well, with only limited use against military targets possibly conforming to the law.

(See **Chapter 9. Laws and norms: Towards non-use and prohibition**).

A key question is whether deterrence in the 21st century requires any nuclear weapons at all. Deterrence is a process of persuading an opponent that the costs of any act of aggression would be too high in relation to any benefits gained, and thus preventing the potential aggressor from undertaking such an act. Such costs could include a range of possible responses to aggression – including diplomatic penalties, targeted sanctions, criminal charges, broad-based sanctions, and/or military action. The majority of States have never included nuclear weapons as part of their security policies and deterrence strategies. A growing number of high-level former policymakers argue that although nuclear weapons were a fundamental part of deterrence for the nuclear-weapon-possessing States and their allies during the Cold War, nuclear weapons are no longer necessary for deterrence in the emerging globalized world.

(See **Chapter 5. Nuclear deterrence and security**).

Good Practice

NWPS

Examples

- A. 1987 Intermediate-Range Nuclear Forces Treaty**
Verifying disarmament of an entire class of weapons
- B. 1991 Presidential Nuclear Initiatives**
Demonstrating the value of unilateral measures
- C. 1991 Strategic Arms Reduction Treaty (START I)**
Verifying disarmament of strategic weapons
- D. Belarus, Kazakhstan, Ukraine and South Africa**
Relinquishing possession of nuclear weapons
- E. 2010 United Kingdom Strategic Defence and Security Review**
Unilateral reductions
- F. 2010 Strategic Arms Reduction Treaty (New START)**
Deeper verified cuts

A

1987 Intermediate-Range Nuclear Forces Treaty

Verifying disarmament of an entire class of weapons

Required the United States and the Soviet Union to eliminate and permanently forswear all of their nuclear and conventional ground-launched ballistic and cruise missiles with ranges of 500 to 5,500 kilometres. As a result of the INF Treaty, the parties destroyed a total of 2,692 short-, medium-, and intermediate-range missiles. Neither country currently deploys such systems.⁴⁸

The 1987 INF Treaty, which entered into force on 1 June 1988, marked the first time the superpowers agreed to reduce their nuclear arsenals, abolish an entire class of nuclear weapons – though only missiles, not nuclear warheads – and accept previously inconceivable intrusive on-site inspections for verification.⁴⁹ As a result of the INF Treaty, Washington and Moscow had destroyed a total of 2,692 short-, medium-, and

intermediate-range missiles by the treaty's implementation deadline of 1 June 1991. Neither country currently deploys such systems.

Both in Washington and Moscow, the treaty was endorsed by the foreign affairs committees and enjoyed high-level support as of its signing. After the US Senate ratified the treaty (93-5), the Supreme Soviet followed suit.

The 2009 IPU resolution on nuclear non-proliferation and disarmament recognizes the importance of the INF Treaty and “[c]alls on all States to support the initiatives aimed at globalizing the obligations set forth in the [INF Treaty] and to promote cooperative approaches to the issue of missile defence, beginning with a joint assessment of possible threats”.⁵⁰

B

1991 Presidential Nuclear Initiatives

Demonstrating the value of unilateral measures

Unilateral (but reciprocal) measures by the United States and the Soviet Union to, among other things, take all nuclear bombers off alert status, remove tactical nuclear weapons from surface ships, and halt the further development of multiple-entry vehicles (multiple warheads on a single missile).

In September 1991, US President George Bush announced unilateral nuclear disarmament measures, including the elimination of all US ground-launched short-range nuclear weapons, the withdrawal of all tactical nuclear weapons from US surface ships and attack submarines, de-alerting of all nuclear-armed strategic bombers (taking the bombs off the planes), and cancellation of the further development of multiple re-entry vehicles.

The following month, Soviet President Mikhail Gorbachev reciprocated by announcing similar nuclear disarmament steps by the Soviet Union, plus additional steps, including decommissioning of all nuclear-armed anti-aircraft missiles and destruction of all nuclear mines.

These were steps that both leaders believed they could take on a unilateral (but reciprocal) basis in order to demonstrate good faith and avoid lengthy negotiations. By taking unilateral measures, each side

stimulated the other to match, or even surpass, such measures, changing the arms race into a disarmament race, contingent, of course, on security concerns and cautions. The unilateral measures complemented the ongoing negotiations on reductions in numbers of deployed strategic nuclear weapons and their delivery systems, intercontinental ballistic missiles (ICBMs).

Parliamentarians in nuclear-weapon States can encourage their leaders to engage in creative thinking and take additional unilateral steps in order to break negotiating deadlocks and foster disarmament action on all sides.

C

1991 Strategic Arms Reduction Treaty (START I)

Verifying disarmament of strategic weapons

*Barred the Soviet Union and United States from deploying more than 6,000 nuclear warheads atop a total of 1,600 ICBMs, SLBMs and heavy bombers. In addition, START I required the Soviet Union to reduce its heavy SS-18 ballistic missiles by 50 per cent.*⁵¹

On 31 July 1991, after almost 10 years of complicated talks, the United States and the Soviet Union signed START I. Five months later, the Soviet Union broke up, leaving four independent States in possession of strategic nuclear weapons: Belarus, Kazakhstan, the Russian Federation and Ukraine. On 23 May 1992, the United States and the four nuclear-capable successor States signed the Lisbon Protocol, which made all five nations party to START I.⁵²

Intended to be a way to decrease the threat of nuclear warfare by verifiably reducing the amount of large, deployed arsenals that the United States and the Soviet Union (Russia, Belarus, Kazakhstan and Ukraine) could possess, START I called for each party to reduce its strategic nuclear forces to 1,600 deployed ICBMs, SLBMs and heavy bombers, and to reduce its warheads to 6,000 – only 4,900 of which could be on ballistic missiles – in seven years. In addition, START I required the Soviet Union to reduce its heavy SS-18 ballistic missiles by 50 per cent.⁵³

One of the major achievements of the treaty was its strong emphasis on constant monitoring, including 12 types of on-site inspections.⁵⁴ In

addition, START I provided for regular data exchanges and extensive notifications of new nuclear developments. These measures were crucial to building mutual trust and enhancing transparency.

The US Senate ratified START I on 1 October 1992, and the Supreme Soviet on 4 November that same year. After the parliaments of Kazakhstan (2 July 1992), Belarus (4 February 1993) and Ukraine (18 November 1993) ratified START I, the three countries joined the NPT as non-nuclear States. START I entered into force on 5 December 1994, and seven years later the United States and the Russian Federation successfully reached the START I levels of 6,000 deployed warheads.⁵⁵ Belarus, Kazakhstan and Ukraine have completely eliminated or removed from their territories the nuclear arsenals left over from the Soviet Union.

D

Belarus, Kazakhstan, Ukraine and South Africa

Relinquishing possession of nuclear weapons

Setting the right example – countries that have voluntarily abandoned their nuclear weapon capability

After the collapse of the Soviet Union, Ukraine, Kazakhstan and Belarus inherited nuclear arsenals, thus becoming the third, fourth and eighth largest nuclear-weapon powers in the world. Both the 1987 INF Treaty and the 1991 START I were amended to include these successor States as parties. As a result, all three States eliminated or removed from their territory INF facilities and strategic offensive arms, and joined the NPT as non-nuclear-weapon States.

Similarly, in 1989 South Africa voluntarily dismantled its nuclear-weapon programme (which included six constructed nuclear weapons and one under construction). In 1991 it acceded to the NPT.

E**2010 United Kingdom Strategic Defence and Security Review****Unilateral reductions**

Reduces the number of warheads on board each submarine from a maximum of 48 to a maximum of 40, trims the number of operational warheads from fewer than 160 to no more than 120, and cuts the United Kingdom's nuclear-weapon stockpile by 25 per cent, to a maximum of 180.⁵⁶

As outlined in the 2010 Strategic Defence & Security Review, the UK Government has committed to reducing the capability of its Trident submarine-based nuclear-missile system. The number of warheads on board each submarine will be reduced from a maximum of 48 to a maximum of 40, the number of operational missiles on the Vanguard Class submarines will be reduced to no more than eight, the number of operational warheads will be reduced from fewer than 160 to no more than 120, and the United Kingdom's nuclear-weapon stockpile will be set at a maximum of 180 – a cut of 25 per cent.

These moves are an example of unilateral disarmament steps that can be taken when a government determines that such steps do not undermine its security. More importantly, the review was undertaken with a full debate in Parliament. On the other hand, the review did not reflect the view, widely supported in Parliament, that the government should make a stronger commitment to negotiations for a global ban on nuclear weapons (under a nuclear weapons convention), and take stronger unilateral steps, including completely relinquishing nuclear weapons as both unnecessary for security and a burden on the public purse.

F**2010 New Strategic Arms Reduction Treaty (New START)****Deeper verified cuts**

Each party is allowed a maximum of 1,550 accountable deployed strategic nuclear warheads and bombs. Deployed and non-deployed ICBM launchers, SLBM launchers and heavy bombers are limited to 800. Deployed ICBMs, SLBMs and heavy bombers assigned to nuclear missions are limited to 700.⁵⁷

New START was signed on 8 April 2010 by US President Barack Obama and Russian President Dmitry Medvedev, and entered into force on 5 February 2011.⁵⁸

New START stipulates that seven years after its entry into force (February 2018), each party is allowed a maximum of 1,550 accountable deployed strategic nuclear warheads and bombs. Deployed and non-deployed ICBM launchers, SLBM launchers and heavy bombers are limited to 800. Deployed ICBMs, SLBMs and heavy bombers assigned to nuclear missions are limited to 700. Each bomber is counted as one warhead.⁵⁹ Like START I, New START does not track or limit warheads or bombs once they have been removed from deployed launchers. Non-deployed missiles are monitored but not limited in number.

Importantly, the treaty establishes a comprehensive verification regime, including regularly updated data exchanges, an extensive list of nuclear weapon activities requiring notifications, and authorization for 18 on-site inspections annually.

Both in the United States and the Russian Federation, New START received strong, bipartisan support, and relevant expert committees approved and recommended ratification. The US Senate ratified the treaty on 22 December 2010, and the Russian State Duma followed suit on 25 January 2011.⁶⁰

US and Russian policymakers have indicated that they are preparing talks to seek further reductions.



Recommendations for Parliamentarians

- Encourage your government to urgently pursue and support further transparent, substantial and irreversible nuclear stockpile reductions under unilateral, bilateral or multilateral frameworks.
- Legislators from the P5 countries (China, France, Russian Federation, United Kingdom and United States) could call on their governments to use the P5 process agreed at the 2010 NPT Review Conference to commit to specific stockpile reductions and other pluri-lateral measures, and announce such commitments at NPT meetings.
- US and Russian legislators can seize the opportunity created by New START to address issues that could assist additional US-Russian arms control agreements, such as further controls on operational tactical (non-strategic) nuclear weapons, ballistic missile defences and conventional weapons.

Good Practice**ALLIES OF NWS****Examples****A. Canada and Greece**

Unilateral removal of deployed tactical weapons

B. Five NATO States

Call for removal of tactical weapons

C. Japan

Encouraging stockpile reductions

A**Canada and Greece****Unilateral removal of deployed tactical nuclear weapons**

It was widely known (but never formally acknowledged) that from the mid-1960s until 1984 Canada hosted a number of US nuclear weapons on its territory and others deployed with Canadian forces in Europe. These included BOMARC CIM-10 surface-to-air missiles, Honest John rocket systems armed with W31 nuclear warheads, nuclear W25 Genie rockets carried by 54 CF-101 Voodoos and tactical nuclear warheads assigned to 6 CF-104 Starfighter squadrons (about 90 aircraft). Canadian popular opinion against these deployments first found traction in 1972, when three of the systems were withdrawn under the tenure of Prime Minister Pierre Trudeau. The last nuclear weapon system was withdrawn in 1984.

Greece hosted a variety of nuclear weapon systems from the early 1960s at the Araxos Air Base. These included Nike Hercules missiles and nuclear-armed A-7 fighter bombers. In 2001, Greek reluctance to upgrade the fighter-bombers to US F-16s led to the withdrawal of the remaining US nuclear weapons in Greece.

The withdrawal of nuclear weapons from Canada and Greece without any apparent negative impact on their security or their relationship with the United States could indicate the possibility of similar unilateral withdrawals of nuclear weapons from other host countries.

B**Five NATO States****Call for the removal of tactical nuclear weapons**

The *Bulletin of Atomic Scientists* notes that between 150 and 200 US tactical nuclear weapons are deployed in Europe and stored at six bases in five countries: Belgium, Germany, Italy, the Netherlands and Turkey.⁶¹ These countries have nuclear-sharing agreements with the United States, under which they train in the use of nuclear weapons and have the authority to take control of such weapons during wartime.

The Russian Federation is estimated to have about 2,000 active tactical nuclear warheads, most of which are probably deployed to the western part of the country.⁶² The Weapons of Mass Destruction Commission warns that these tactical weapons “would be easier [than strategic weapons] for outsiders to use, such as a terrorist group,” and that “[t]here is a risk of theft or diversion during transport or storage in the field”.⁶³ It therefore recommends that the United States and the Russian Federation “should agree to withdraw all non-strategic nuclear weapons to central storage on national territory, pending their eventual elimination”.⁶⁴

Recent developments in Europe have given cause for optimism that the deployment of tactical nuclear weapons in Europe and the western Russian Federation might soon come to an end.

From 2005 to 2007, a number of parliamentary initiatives sought to raise the issue of deployed nuclear weapons in Europe. These included:

- resolutions adopted in the Belgian and German parliaments calling on NATO governments to work for the removal of US nuclear weapons from Europe;
- a joint statement from parliamentarians from Belgium, Germany, Italy, the Netherlands and the United Kingdom calling for the end of nuclear-sharing arrangements between the United States and NATO;
- a written declaration from Members of the European Parliament on the withdrawal of US nuclear weapons from Europe; and
- writs delivered by parliamentarians to commanders of nuclear-weapon deployment sites asserting that the deployment of such

weapons violated the NPT and the laws against the use of nuclear weapons in warfare affirmed by the International Court of Justice in 1996.

In addition, in 2004 the Science and Technology Commission of the NATO Parliamentary Assembly advised NATO in a report on nuclear-weapon proliferation to come up with “a proposal on a phased and verifiable withdrawal of tactical nuclear weapons from Europe”, as they “do not add substantially to the security of Europe”.⁶⁵ As a follow-up, a 2010 NATO Parliamentary Assembly report on US non-strategic nuclear weapons in Europe examined all possible options regarding such weapons, including unconditional withdrawal, partial withdrawal, withdrawal being conditional upon dismantlement by the Russian Federation of its tactical nuclear weapons, and maintaining the status quo.⁶⁶

There is a growing perception in NATO countries that deployed tactical nuclear weapons no longer serve any practical military purpose. Moreover, it could be argued that their deployment in European countries is in violation of Articles I and II of the NPT, which establish that nuclear-weapon States shall not “transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly,” and that non-nuclear-weapon States commit “not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices”.⁶⁷ Most importantly, their removal could invite reciprocal action from Moscow on its tactical nuclear weapons in Western Russia and open the door to further US-Russian nuclear arms control and disarmament agreements.

A recent report by IKV Pax Christi indicated that 14 NATO States (50 per cent) actively support withdrawal, 10 NATO States would accept such withdrawal, and only three NATO States oppose such withdrawal.⁶⁸

Another factor that may affect the feasibility of continuing to host US tactical nuclear weapons in these States is the requirement to renew the fleet of fighter-bombers needed for their delivery. Parliamentarians in these countries have an important role to play in influencing and overseeing such procurement and budget decisions. (See also **Chapter 8. Nuclear spending, corporations and scientific research.**)

For example, the Greek decision not to upgrade the country's fleet of aircraft led to the withdrawal of US tactical nuclear weapons from Greece (see Good practice, above).

C

Japan

Encouraging stockpile reductions

The United States has security agreements with Japan under which the former provides “extended nuclear deterrence” for the latter, but without any deployment of nuclear weapons on Japanese territory or any nuclear-sharing arrangements (thus differing from the situation with NATO nuclear-sharing countries). During the 2009-2010 US Nuclear Posture Review, US senators opposed to nuclear-weapon cuts argued that the United States needed to maintain its existing range and numbers of nuclear weapons in order to protect its allies. Some argued that reducing US extended nuclear deterrence capacity could lead allies, particularly Japan, to lose confidence, and push them towards deciding to acquire nuclear weapons to ensure a deterrent. This could be the case in particular if the United States weakened its options to threaten to use nuclear weapons with respect to attacks by conventional weapons, as some allies faced threats of such conventional attacks.

Japanese Foreign Minister Katsuya Okada, in order to clarify the Japanese position, sent a letter to US Secretary of State Hillary Clinton supporting President Obama's commitment to a nuclear-weapon-free world, calling for the United States to adopt a sole-purpose doctrine (i.e. that the sole purpose of nuclear weapons should be to deter other nuclear-weapon States), and indicating that Japan would not oppose reduction of specific weapon systems such as the Tomahawk Cruise missile, which is considered by many analysts to be the main nuclear-weapon system deployed for extended nuclear deterrence in North-East Asia.

The letter was backed by a similar cross-party letter from 204 Japanese parliamentarians to President Obama that also called on the United States to ratify the CTBT and to continue nuclear-stockpile-reduction negotiations with the Russian Federation.

President Obama, in the final Nuclear Posture Review Report⁶⁹ – presented to Congress in April 2010 – announced a shift in policy

to “primary purpose” (with a commitment to move to sole purpose), a commitment to enhance non-nuclear aspects of regional security alliances, and a decision to decommission the Tomahawk Cruise missiles.



Recommendations for Parliamentarians

- Request information from your government on the presence, numbers, role and operational readiness of tactical nuclear weapons.
- Adopt resolutions and statements – either in your parliament or in conjunction with parliaments from other NATO Member States, on the removal of tactical nuclear weapons.
- Initiate parliamentary debate and oversight of government decision-making regarding the renewal of fighter-bombers necessary for the continued hosting of tactical nuclear weapons under nuclear-sharing arrangements, including related budgetary implications.
- Engage in parliamentary assemblies, notably the NATO Parliamentary Assembly, to pursue a revision of the Alliance’s strategic concept, to promote non-nuclear security in support of NATO’s commitment to create the conditions to achieve a nuclear-weapon-free world.

NUCLEAR TESTS

“Now we have this problem of what we call ‘jelly-fish babies’. These babies are born like jelly-fish. They have no eyes. They have no heads. They have no arms. They have no legs. They do not shape like human beings at all. When they die they are buried right away. A lot of times they don’t allow the mother to see this kind of baby because she will go crazy. It is too inhumane.”

Darlene Keju-Johnson, Director of Family Planning 1987-1992, Marshall Islands, on the impact of US nuclear testing in the Marshall Islands

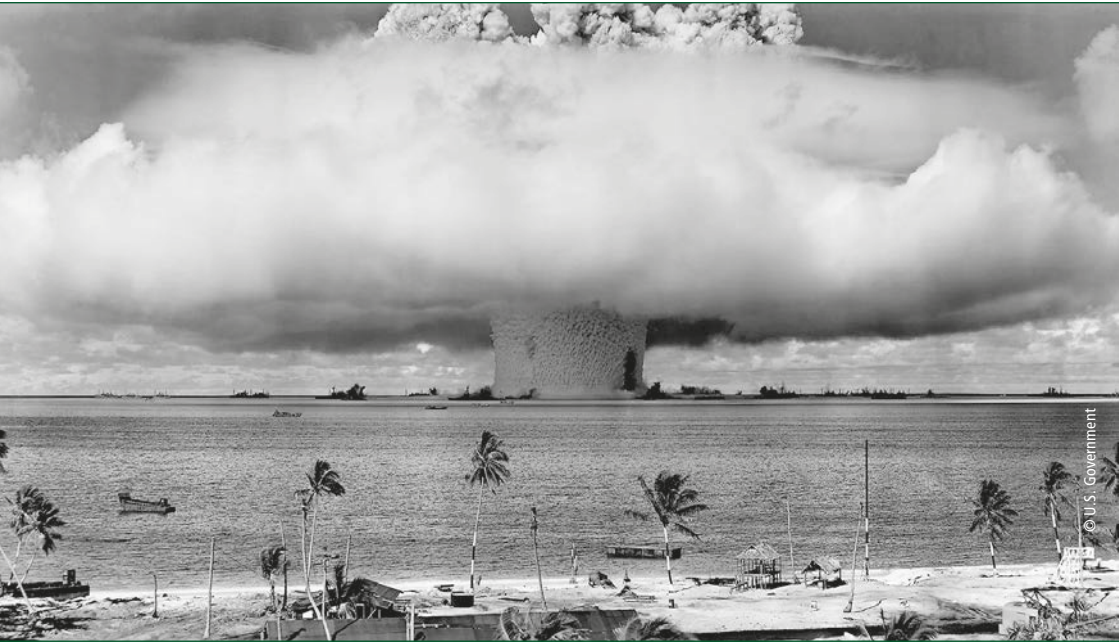
The more than 2,000 nuclear tests that have been conducted worldwide by the nuclear powers since 1945 have not been without consequences. Many areas that served as test sites continue to suffer from the horrific health and environmental effects of nuclear explosions. For example, in the Semipalatinsk region in Eastern Kazakhstan, which served as the prime test site for Soviet nuclear testing, the average life expectancy is less than 50 years, the death rate is extremely high, and cancer rates have reached critical levels. Moreover, serious birth defects are common, with incidences of mental retardation three to five times higher than average. Some of the nuclear-weapon States have introduced compensation schemes for victims of their nuclear tests.

Parliaments of nuclear-weapon States are thus faced with issues of compensation to cover health costs (including income lost) and land lost to nuclear tests.

The CTBT is intended to ban all nuclear explosions in all environments, whether for military or civilian purposes, and establishes a global system for detecting and deterring clandestine test explosions.⁷⁰ (See **Chapter 7. Verification, compliance and enforcement.**)

The CTBT is one of the building blocks for the legal and technical framework for a nuclear-weapon-free world, as it will establish a comprehensive ban on nuclear testing when it enters into force. The Preparatory Commission for the CTBTO was established by CTBT States Signatories to develop a verification regime, including a global

monitoring system and on-site inspection capability. The monitoring system is nearly complete and is in provisional operation, pending entry into force of the Treaty.



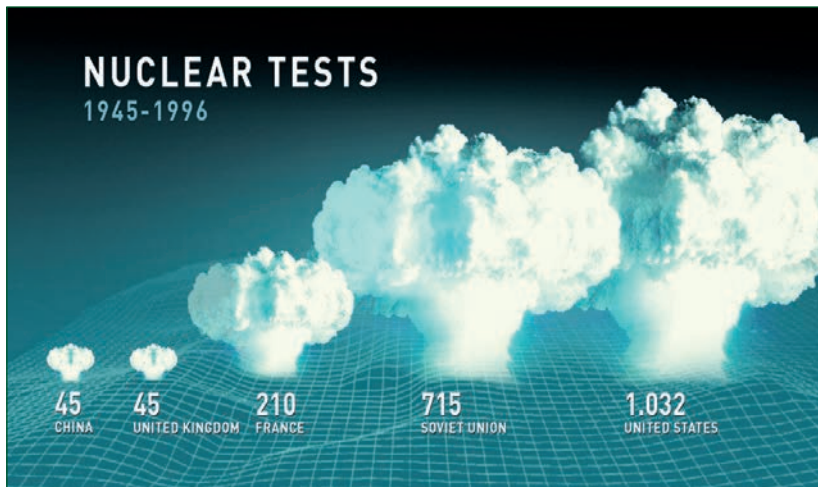
The "Baker" explosion, part of Operation Crossroads, a nuclear weapon test by the United States at Bikini Atoll, Micronesia, 25 July 1946.

The CTBT was negotiated in the Conference on Disarmament between 1993 and 1996, and adopted by the United Nations General Assembly on 10 September 1996. Although it has achieved near universal adherence (at the time of writing, 183 States had signed the treaty, and 157 had ratified it), it has not yet entered into force. Article XIV of the treaty requires ratification by the 44 States listed in Annex 2 before it can enter into force. These Annex 2 States participated in the CTBT negotiations between 1994 and 1996 and possessed nuclear reactors or research reactors at the time. Of these 44 States, three have not signed the CTBT – the Democratic People's Republic of Korea, India and Pakistan. A further five have signed but not ratified the treaty – China, Egypt, the Islamic Republic of Iran, Israel and the United States.

The 2009 IPU resolution on nuclear non-proliferation and disarmament “stresses the vital importance and urgency of signature and ratification, without delay and without conditions, to achieve the earliest entry into force of the CTBT”.

The 2009 IPU resolution calls upon “the parliaments of all States that have not yet signed and ratified the CTBT to exert pressure on their governments to do so, [and] [e]specially urges parliaments of all remaining States listed in Annex 2 of the CTBT, whose ratification is required to bring the treaty into force, to urge their governments to immediately sign and ratify the treaty”. In addition, the resolution calls on “all nuclear-armed States to continue to observe their moratoria on nuclear-weapon testing, on all States that have not already done so to proceed, on a voluntary basis, to dismantle their nuclear test sites, and on all States to maintain support for the CTBT Organization verification system until the CTBT enters into force”.⁷¹

Figure 4: Breakdown of nuclear tests conducted by China, United Kingdom, France, the Soviet Union and the United States from 1945 to 1996, the year the CTBT was signed. This graph does not include the nuclear tests conducted by India (one in 1974, two in 1998), Pakistan (two in 1998) and DPRK (one in 2006, one in 2009).



Source: The Official CTBTO Photostream, Flickr

Good Practice**ALL STATES****Examples****A. Ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT)**

Moving towards entry into force

B. CTBT national implementing legislation

Model legislation – Australia shows how it can be done

C. CTBT capacity development

Indonesian MPs utilizing the CTBTO Capacity Development Initiative

A**Ratification of the CTBT****Moving towards entry into force**

On 6 April 1998, the United Kingdom and France became the first nuclear-weapon-possessing States to deposit their respective instruments of ratification of the CTBT. The UK Parliament had earlier passed the 1998 Nuclear Explosions (Prohibition and Inspections) Act, which makes it a crime to cause a nuclear explosion, to provide the legal framework for inspections and prosecutions under the terms of the CTBT and enable the United Kingdom to ratify it.

On 21 April 2000, the Lower House of the Russian Parliament, the Duma, voted by 298 votes to 74 to approve the ratification of the CTBT, which occurred on 20 November of the same year, and to adopt a Federal Act enabling the government to cooperate with the CTBTO Preparatory Commission.

The unanimous approval of the ratification of the CTBT by the House of Representatives of Indonesia – an Annex 2 State – in December 2011 brought the Treaty's entry into force one step closer.⁷² Following the ratification vote, Ismet Ahmad, a lawmaker from the National Mandate Party, called on the nuclear-weapon-possessing States to follow in Indonesia's steps, noting that "Indonesia's ratification has no significance

unless other nuclear States take the same step”.⁷³ (Indonesia officially ratified the CTBT in February 2012, when it deposited the instrument of ratification.⁷⁴)

Although all countries have their own responsibility with regard to ratifying the CTBT, few would deny that ratification by the United States would be a critical development in bringing the historic treaty into full legal effect. As former UN Chief Weapons Inspector and head of the Weapons of Mass Destruction Commission, Dr. Hans Blix, has noted:

*“If there were to be ratification by governments of the CTBT (...), including the United States where it was turned down in the Senate a number of years ago, then this would change the atmosphere very considerably. (...) [T]he reality is probably that if the US were to ratify, then China would, and if China did, India would, if India did, Pakistan would, and if Pakistan did, then Iran would; it would set in motion a good domino effect.”*⁷⁵

The Obama Administration has made CTBT ratification a high priority. In a statement welcoming Indonesia’s decision, President Obama said, “The United States remains fully committed to pursuing ratification of the Test Ban Treaty and will continue to engage members of the Senate on the importance of this Treaty.”⁷⁶

Since the early 1990s, legislators in nuclear-weapon States have been instrumental in introducing and extending nuclear-test moratorium legislation. Enlightened, bipartisan leadership from parliamentarians is once again needed to help bring the CTBT into force.

B

CTBT national implementing legislation

Model legislation – Australia shows how it can be done

Article III of the CTBT requires each State Party to take, in accordance with its constitutional processes, any necessary measures to implement its obligations under the Treaty. Even in States having a legal system where treaties automatically form part of national law, the government may need to adopt at least some measures, legislative and/or administrative, to implement the CTBT. It is for each State Party to decide what measures, in accordance with its constitutional processes, would be necessary or appropriate and how to carry them out.

In 1998, when ratifying the CTBT, the Australian Parliament adopted the Comprehensive Nuclear Test Ban Treaty Act, which includes a number of aspects relating to Australia's obligations, commitments and other actions to implement the CTBT. The Act governs general prohibitions, procedures for inspections, criminal offences and penalties, establishment and management of monitoring facilities, and establishment of a national implementing authority.

The Act also includes information for Parliament about the CTBTO global monitoring system, including the list of seismological, hydroacoustic, infrasound and radionuclide stations and laboratories that comprise the network.

The Australian legislation can serve as a model for other parliaments preparing for ratification. However, each State will differ to some degree in the legislative requirements that are appropriate for its legal system and circumstances, including which existing legislation may need to be amended, what contribution it will be making to the CTBTO and its global monitoring system, and how to deal with non-nuclear (chemical) explosive tests and on-site inspections.

The CTBTO Preparatory Commission provides assistance and advice upon request, including a *Guide for CTBT National Implementing Legislation*, model legislation, a legislation database and documentary assistance (all available at www.ctbto.org) and individualized legal technical support from CTBTO staff.

C	CTBT Capacity development
	Indonesian MPs utilizing the CTBTO Capacity Development Initiative

The CTBTO Preparatory Commission has launched a Capacity Development Initiative, the aim of which is to build the necessary capacity in States Signatories so that they can meet their Treaty obligations more effectively and contribute to the verification regime. As part of this initiative, the Commission has developed introductory and advanced courses dealing with various aspects of the CTBT and the verification regime. The issues addressed in the courses include the political, legal, technical and scientific challenges facing the CTBT. Courses held so

far have attracted several hundred participants from over 100 countries, including International Monitoring System station operators, staff of national data centres, diplomats, academics and members of civil society. In this way, the Capacity Development Initiative aims to increase awareness and stimulate understanding of the CTBT in order to promote universal adherence to it and its entry into force.

Parliamentarians can take advantage of this education and training support from the CTBTO by publicizing it to appropriate government agencies, academics and civil society. Parliamentarians can also participate in courses themselves, or arrange specific parliamentary education, information and training from the CTBTO.

In 2011, prior to the Indonesian ratification of the CTBT, a delegation from the Indonesian House of Representatives visited the CTBTO headquarters in Vienna to learn about the CTBT global monitoring network and its capacity to verify the Treaty and its civilian benefits, including real-time data input for tsunami warning centres, a service very relevant to earthquake-prone South-East Asia. The group, consisting of members of the House's Foreign Policy Commission and officials from the Ministry of Foreign Affairs, met with the CTBTO's Executive Secretary Tibor Tóth and senior staff. They also visited the CTBTO's International Data Centre and a radionuclide monitoring station installed on the rooftop of the organization's headquarters.

The visit assisted the parliamentarians in their action to ratify and implement the CTBT, and also to promote the Treaty among other MPs from countries which have yet to ratify.



Recommendations for Parliamentarians

- Act for ratification of the CTBT if your country has not ratified, and advance draft implementing legislation for ratification (with assistance from the CTBTO).
- Make use of the CTBTO Capacity Development Initiative to build knowledge, skills and capacity in your country to implement CTBT legislation and to contribute to the verification regime.
- Encourage parliamentary colleagues from countries that have not yet ratified the CTBT, especially those in Annex 2 countries, to advance such ratification in their legislatures.

- Hold public education events, including in your parliament and especially on the International Day against Nuclear Tests (29 August), and invite to such events officials from countries that have not yet ratified the CTBT.
- Highlight the value of the CTBT and the CTBTO for nuclear non-proliferation and environmental protection, along with other global civilian benefits, including tsunami early warning from earthquakes and radionuclide monitoring from nuclear accidents.
- Encourage your government to contribute stations to the CTBTO international monitoring system, and to support the Treaty by promoting its full ratification and entry into force, as well as the building-up and implementation of the verification regime.

Good Practice

NWPS

Examples

A. United States Radiation Exposure Compensation Act

An effective mechanism

B. Law on Compensation for Victims of French Nuclear Testing

A step in the right direction

A

United States Radiation Exposure Compensation Act

An effective mechanism

The 1990 United States Radiation Exposure Compensation Act (RECA) is a federal statute providing an apology and monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during US atmospheric nuclear-weapon tests, or following their occupational exposure to radiation while employed in the uranium industry during the Cold War arsenal build-up.⁷⁷

The Act is designed to serve as an expeditious, low-cost alternative to litigation. It provides compensation to individuals who contracted one of 27 identified medical conditions.

Notably, RECA does not require claimants to establish causation. Rather, claimants qualify for compensation by establishing the diagnosis of a listed compensable disease after working or residing in a designated location for a specific period of time. RECA has been criticized, however, on the grounds that the compensation provided is grossly insufficient to cover real health costs, lost income and loss of quality of life arising from nuclear tests.

RECA provides the following compensation:

- uranium miners, millers and ore transporters – US\$ 100,000;
- on-site participants at atmospheric nuclear-weapon tests – US\$ 75,000;
- individuals who lived downwind of the Nevada Test Site (“downwinders”) – US\$ 50,000.

So far, more than 22,000 claims have been approved under the Act, and over US\$ 1.5 billion have been disbursed.

B

Law on Compensation for Victims of French Nuclear Testing

A step in the right direction

On 5 January 2010, the French National Assembly adopted legislation authorizing the payment of compensation to victims of nuclear tests France had carried out in Algeria and French Polynesia from 1960 to 1996.⁷⁸

The compensation scheme applies to former soldiers and civilians who worked at the test sites and who subsequently developed cancers and other illnesses from exposure to radiation.

The French Ministry of Defence indicated that some 150,000 civilian and military workers took part in the 201 tests conducted. Residents living near the test sites are also eligible to apply for compensation.

A special compensation committee examines complaints on a case-by-case basis to determine whether the claimant’s symptoms are indeed

related to the 18 ailments identified by the UN Scientific Committee on the Effects of Atomic Radiation, which include leukaemia, thyroid cancer and other diseases. In comparison, US law regarding nuclear tests in the Marshall Islands allows compensation for 27 ailments.

Victims of radiation had for years campaigned for recognition from the State. Several legislators from opposition parties played a key role in prompting the government to agree to compensate nuclear test victims, and also in persuading it to improve its original compensation proposal. The government had proposed that claimants would have to prove that their ailment was caused by the nuclear testing, even if it was one of the 18 listed. Pressure by opposition parliamentarians led to the adoption of an approach similar to that of the United States, whereby compensation is provided unless it is proven that the ailment is definitely not caused by the nuclear tests.

Yet both parliamentarians and victims' rights groups have criticized the legislation for being too narrow and the compensation system for not working properly. Hundreds of compensation applications have been filed, but only a few granted.⁷⁹ Legislators from all political parties have called for changes to be made to the compensation law.



Ed Ou/Reportage by Getty Images

Two-year-old Adil Zhilyaev in a Kazakh orphanage in 2008. Born blind and with Infantile Cerebral Paralysis (ICP) and hydrocephalia due to his mother's radiation exposure from Cold War nuclear testing, he was abandoned by his parents.

Recommendations for Parliamentarians

- Extend nuclear test moratoria, particularly through legislation.
- Urge your government to sign and ratify the CTBT if it has not already done so.
- Initiate and strengthen compensation legislation for nuclear test veterans, communities and downwinders.

NUCLEAR FACILITIES AND MATERIALS

The 2009 IPU resolution on nuclear non-proliferation and disarmament urges “immediate commencement of negotiations on a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices.”⁸⁰

Fissile materials – highly enriched uranium (HEU) and plutonium – are the key ingredients in nuclear weapons, and thus their control and elimination is vital to nuclear disarmament, to halting the proliferation of nuclear weapons, and to preventing terrorists from acquiring nuclear materials. Producing fissile materials still remains the critical obstacle to overcome in any new nuclear weapon programme and for any country seeking to increase its nuclear arsenal.

Global stockpiles of HEU total between 1,400 and 2,000 metric tonnes, while the current global stockpile of separated plutonium is about 500 tonnes.⁸¹ Most of this material is in the possession of the nuclear-weapon-possessing States – chiefly the United States and the Russian Federation. This is despite the great strides that both countries have been made in securing and eliminating fissile materials, and dismantling facilities, through a variety of cooperative threat-reduction (CTR), disarmament and non-proliferation programmes, initially in the Russian Federation, and increasingly worldwide.

Similarly, the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, which was launched in 2002, has expanded beyond the G8 to become a large-scale collaborative international initiative with 15 additional partners today.⁸² The Global Partnership has achieved tangible results in advancing nuclear and radiological security, including the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials, and the redirection of former weapon scientists.

One key building block in a comprehensive strategy to contain and abolish nuclear weapons would be a fissile material cut-off treaty, which would ban the production of HEU and plutonium for nuclear weapons, or a broader fissile material treaty also dealing with existing stockpiles.

Already in 1957, the UN General Assembly called for a treaty that would verifiably ban the production of fissile materials.⁸³ In December 1993, it adopted a resolution calling for negotiation of a “non-discriminatory, multilateral, and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”.⁸⁴

The Conference on Disarmament in Geneva agreed to begin negotiations on such a treaty in 1995, but the negotiations have been at an impasse ever since. Fortunately, a moratorium on the production of fissile materials for nuclear weapons is already in effect in several nuclear-weapon-possessing States.

A fissile material cut-off treaty would strengthen the non-proliferation regime, reduce the risk of nuclear terrorism, and help lay the groundwork for nuclear disarmament by:

- meeting the demands of the UN General Assembly and the commitments made by the nuclear-weapon States recognized by the NPT;
- extending to the nine nuclear-weapon-possessing States the legal ban on the production of fissile material for weapons that currently applies only to non-nuclear-weapon States;
- further reducing the discriminatory aspects of the NPT by extending mandatory safeguards to nuclear facilities and materials in nuclear-weapon-possessing States;
- improving national monitoring and regulation of fissile material, and enhancing the transparency of these processes;
- extending to the nuclear-weapon-possessing States the institutions and practices necessary for the eventual achievement of a world free of nuclear weapons; and
- helping to make reductions in the numbers of nuclear weapons irreversible.

2009 IPU resolution on nuclear non-proliferation and disarmament: Provisions on IAEA safeguards

The 120th Assembly of the Inter-Parliamentary Union, (...)

19. *Urges* IAEA Member States or parties to a safeguards agreement to lend strong and constant support to the IAEA so that it can honour its safeguards obligations and therefore to cooperate in good faith with the IAEA by providing it with all information requested;
20. *Calls on* States whose ratification is needed for the entry into force of general safeguards agreements to take the necessary steps to that end as soon as possible;
21. *Further calls on* the States party to a safeguards agreement which have not yet signed and/or ratified an additional protocol to do so as soon as possible.

Good Practice

NWPS

Examples

A. Moratoria on fissile material production

An important stopgap measure

B. Cooperative Threat Reduction (CTR)

Acting together to advance mutual interests

A

Moratoria on fissile material production

An important stopgap measure

Although an international ban on fissile materials might not come into effect anytime soon, a de facto moratorium on the production of such materials for nuclear weapons is already in effect in several key countries. Four of the five NPT nuclear-weapon States – France, the Russian

Federation, the United Kingdom and the United States – declared in the 1990s that, as a matter of policy, they had stopped such production and had no plans to resume.

Many plutonium-production reactors have been shut down as a result of the 1994 declaration by the United States and the Russian Federation to initiate such a moratorium. This includes all 14 US plutonium-production reactors and 10 of 13 Russian plutonium-production reactors. In the Russian Federation, weapon-grade uranium has not been produced since 1989.

In 1995, the United Kingdom declared a moratorium on the production of fissile materials for weapon purposes, which it continues to abide by, pending negotiations on an international ban on fissile materials. It has also placed “excess” military fissile material under international safeguards. France announced a moratorium on the production of these materials in 1996, and simultaneously decided to dismantle the corresponding facilities.

B

Cooperative Threat Reduction (CTR)

Acting together to advance mutual interests

CTR programmes are aimed at enhancing the protection of weapons and materials that can be used to produce weapons of mass destruction, disposing of or eliminating weapons and components, and helping scientists, engineers and technicians switch to lines of work outside the weapons industry. The US Departments of Defense, Energy, State and Homeland Security run a series of such programmes, with specified sub-programmes, dealing with a wide range of issues related to nuclear security, including fissile-material consolidation, conversion and elimination, HEU reactor conversion, and export control and border security assistance.⁸⁵ As part of the commitments made under the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, other countries have also developed such programmes.

The first CTR programme legislation was co-authored in 1991 by Senators Sam Nunn (Democrat) and Richard Lugar (Republican), and CTR programmes are thus also known as Nunn-Lugar programmes.⁸⁶ The Nunn-Lugar Act was introduced against the backdrop of the

dissolution of the Soviet Union and focused on locking up weapon-usable nuclear material and dismantling or eliminating nuclear weapon systems in the Russian Federation and the independent successor States of the Soviet Union (including Azerbaijan, Belarus, Georgia, Kazakhstan, Ukraine and Uzbekistan).⁸⁷

The Nunn-Lugar Program has extended its cooperative reach beyond the former Soviet Union and continues to expand its scope to meet new threats.⁸⁸ It has been able to build cooperative security and considerably reduce nuclear dangers at an average cost of US\$ 400 million a year, which pales in comparison to the roughly US\$ 10 billion set aside annually for ballistic missile defence research and development or the US\$ 50 billion allocated annually to the development, deployment and maintenance of nuclear weapons and their delivery systems.

The Nunn-Lugar Program's more than two-decade record of accomplishment has encouraged policymakers to discuss ways to strengthen and expand CTR programmes. As Senators Nunn and Lugar have shown, parliamentarians and parliaments are ideally placed to initiate such programmes and to support them through their budgetary powers.

Scorecard: Nunn-Lugar Program

13,300 strategic nuclear warheads deactivated, **1,473** ICBMs destroyed, **831** ICBM silos eliminated, **442** ICBM mobile launchers destroyed, **937** SLBMs eliminated, **728** SLBM launchers eliminated, **48** nuclear submarines capable of launching ballistic missiles destroyed, **233** bombers eliminated, **906** nuclear air-to-surface missiles destroyed, **194** nuclear test tunnels eliminated, **565** nuclear-weapon train shipments secured, upgraded security at **24** nuclear-weapon storage sites, **38** biological monitoring stations built and equipped, and **2924.7** metric tonnes of Russian and Albanian chemical-weapon agent neutralized.

Perhaps most importantly, Ukraine, Kazakhstan and Belarus are nuclear-weapon free as a result of cooperative efforts under the Nunn-Lugar Program. Those countries were the third, fourth and eighth largest nuclear-weapon powers in the world.

CTR programmes such as the Nunn-Lugar initiative have been key tools in achieving nuclear non-proliferation and disarmament goals, while building trust to attain common security objectives. Such cooperative efforts greatly enhance regional and global security and stability and could be pursued in other regions, especially those plagued by distrust and tension, and where the prospect of a nuclear conflict is ever present. As Senator Lugar has noted:

“Some may say that we cannot forge cooperative non-proliferation programs with the most worrisome nations. But evidence proves that such pessimism is unwarranted. The experience of the Nunn-Lugar program has demonstrated that the threat of weapons of mass destruction can lead to extraordinary outcomes based on mutual interest. No one would have predicted in the 1980s that Americans and Russians would be working together to collect dangerous weapons materials around the world.”⁸⁹



Recommendations for Parliamentarians

- Support the initiation or extension of moratoria on the production of fissile materials for nuclear weapons.
- Call for full transparency on fissile materials, including declarations of current inventories of HEU.
- Promote the placement of all non-military facilities under IAEA safeguards.
- Advance debate and motions in parliament on the possibility of phasing out HEU and plutonium reactors.
- Parliamentarians in the five countries that reprocess power reactor fuel (China, France, India, Japan and the Russian Federation) should work toward phasing out reprocessing and ensuring the disposal of stocks of separated plutonium.
- Pursue cooperative threat reduction programmes to secure stockpiles of fissile materials.
- Call for the conclusion of a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material and dealing with stockpiles.

TERRORISM AND CRIMINALITY

“An amount of plutonium about the size of an apple could kill hundreds of thousands of people and spark a global crisis.”

US President Barack Obama, Hankuk University of Foreign Studies, Seoul, Republic of Korea, 26 March 2012

A 2007 study conducted by former US Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 per cent.⁹⁰ In a survey of 85 national security experts, US Senator Richard Lugar found a median estimate of 20 per cent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years”.⁹¹

The threat of a nuclear terrorist attack is generally thought to be threefold. The potentially most destructive – yet least likely – danger is that a non-State actor will acquire and use a nuclear weapon. The second threat involves attacks on facilities that use or process nuclear material, e.g. nuclear power plants. The most likely danger stems from non-State actors obtaining fissile materials – i.e. HEU or plutonium – for use in an improvised nuclear device such as a radiological dispersal device or “dirty bomb”.

The international legal framework against nuclear terrorism comprises a number of instruments. These include UN Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, the Convention on the Physical Protection of Nuclear Material, which entered into force in 1987, its 2005 amendment, the International Convention for the Suppression of Terrorist Bombings, which has been in force since 2001, and the International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention), which came into force in 2007. The 2010 Washington Nuclear Security Summit, at which 47 governments discussed how to better safeguard weapon-grade plutonium and uranium to prevent nuclear terrorism, further strengthened these mechanisms.

Political commitment for the implementation of these instruments has been strengthened by the Nuclear Security Summits held in Washington in 2010 and Seoul in 2012.

It is important to note that while such measures to secure fissile materials and facilities and prevent the spread of nuclear weapons, components and know-how – whether to States or non-State actors – are important, if they are to achieve and sustain a more secure and safer world they need to be part of a more comprehensive approach to nuclear security, including concrete, extensive and sincere steps to reduce nuclear arsenals, with a view to eliminating them, and secure all nuclear materials, including those possessed by the nuclear-weapon-possessing States for military purposes. The AQ Kahn black market network in nuclear materials and expertise demonstrated that as long as there are bombs, fissile materials and nuclear programmes around, non-State actors can steal, purchase or divert them. Former high-level US official Sam Nunn has noted that, “If we want other nations in the world to join us in a tough approach to prevent nuclear terrorism, and the continued spread of nuclear weapons, we must be willing to re-commit to the vision of a world without nuclear weapons.”⁹²

It is also worth noting that there are diverging views on what constitutes “nuclear terrorism”. While some consider nuclear terrorism to be limited

War crimes under the Rome Statute

Under the Rome Statute of the International Criminal Court, the use of weapon systems or methods of war that cause indiscriminate harm constitutes a war crime. On ratifying the Rome Statute, the Government of France declared that this provision would not apply to the use of nuclear weapons. New Zealand submitted an interpretive declaration stating that “it would be inconsistent with the principles of international humanitarian law” to limit the scope of the Statute to “events that involve conventional weapons only”.

In line with the 1996 International Court of Justice Advisory Opinion, which affirmed the general illegality of the threat or use of nuclear weapons, in 2009 Mexico proposed that the Rome Statute be amended to make “employing nuclear weapons or threatening to employ nuclear weapons” a war crime (under Article 8). The amendment has yet to be adopted.

to acts of non-State actors, others argue that the use of nuclear weapons is criminal and a terrorist act, whether by non-State or State actors.

The above-mentioned international measures to address nuclear terrorism generally focus on non-State actors. However, some countries, in implementing these measures, extend controls and criminal measures to include State actors as well.

In addition, several countries, in response to the affirmation by the International Court of Justice that the threat or use of nuclear weapons would generally be illegal (see **Chapter 9. Laws and norms: Towards non-use and prohibition**), have pursued criminalization of use of nuclear weapons through the International Criminal Court (see box above).

Good Practice

ALL STATES

Examples

A. United Nations Security Council resolution 1540

Capacity-building

B. International Convention for the Suppression of Acts of Nuclear Terrorism

Promoting cooperation

A

United Nations Security Council resolution 1540

Capacity-building

UN Security Council resolution 1540 obliges States, inter alia, to refrain from supporting by any means non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons and their delivery systems.⁹³ The resolution imposes binding obligations on all States to establish domestic controls to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery, including by establishing appropriate controls over related materials. It also encourages enhanced international cooperation on such efforts, in accordance with existing

international non-proliferation treaties, to which universal adherence should be promoted. States are required to report on the resolution's implementation to the 1540 Committee, which in turn reports to the UN Security Council.

At the outset, a number of States criticized the UN Security Council for extending its mandate in adopting resolution 1540 and taking on a legislative function by placing binding commitments on countries that are not Security Council members and are thus not included in the decision to adopt such measures. Nevertheless, by 2011 more than 120 States had reported to the 1540 Committee on their national legal framework for non-proliferation, and the Committee's mandate was extended for 10 years.

Many States have communicated to the 1540 Committee a lack of capacity to implement all measures required under resolution 1540. In response, the governments of some wealthier countries, with support from their parliaments (including through budget allocations), are providing support to less developed countries for implementation of resolution 1540. As part of this process, the 1540 Committee is engaging more and more with national parliaments in various countries through consultations, workshops and other activities.

B

International Convention for the Suppression of Acts of Nuclear Terrorism

Promoting cooperation

The 2005 Nuclear Terrorism Convention is a multilateral treaty open to ratification by all States and joins the universal anti-terrorism conventions.⁹⁴ The Convention details offences relating, inter alia, to the unlawful and intentional possession and use of radioactive material or a radioactive device, and use or damage of nuclear facilities by non-State actors. It is designed to promote cooperation among countries to prevent, investigate and punish such acts.

Based on an instrument originally proposed by the Russian Federation in 1998, the Convention provides a definition of acts of nuclear terrorism and covers a broad range of possible targets, including nuclear power plants and nuclear reactors. Under its provisions, alleged offenders must

be either extradited or prosecuted. It also encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings. The treaty requires that any seized nuclear material is held in accordance with IAEA safeguards and that any nuclear or radioactive material is handled with regard for the IAEA's health and safety standards and physical protection recommendations.

The Convention entered into force in July 2007 and requires all "States Parties to make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the Agency".⁹⁵ At the time of writing, it had 79 States Parties (and 115 signatories). Of the nuclear-weapon-possessing States, the Democratic People's Republic of Korea and Pakistan have not signed the treaty, while France and the United States have signed but not yet ratified it.



Recommendations for Parliamentarians

- Urge your government to sign and ratify the Nuclear Terrorism Convention and other anti-terrorism conventions.
- Call on and work with your government to implement the provisions of UNSC resolution 1540, and to provide support for States that lack the capacity to implement certain provisions of the resolution
- Adopt legislative measures to implement the Nuclear Terrorism Convention and UNSC resolution 1540.

Good Practice

NON-NWS

Examples

A. New Zealand

Nuclear terrorism prevention requires a comprehensive approach

B. Canada

From criminal measures to effective protection

A	New Zealand
	Nuclear terrorism prevention requires a comprehensive approach

New Zealand is one of the countries mentioned above that is providing assistance to less developed countries to build capacity in order to implement UN Security Council resolution 1540. It is focusing on support for Pacific island States.

In addition, New Zealand has taken a comprehensive approach to implementing resolution 1540, addressing proliferation or use of nuclear weapons by non-State and State actors. New Zealand's 2004 Report to the 1540 Committee reaffirms that "New Zealand's strong and consistent policy is that **all** weapons of mass destruction (WMD) should be eliminated, and that this elimination should be verified and enforced through robust legally binding multilateral disarmament instruments. New Zealand provides no support whatsoever to any entity – **whether State or non-State actor**⁹⁶ – attempting to develop, acquire, manufacture, possess, transport, transfer or use WMD and their means of delivery."⁹⁷

The Report further details New Zealand's legislation and policies giving effect to the provisions of resolution 1540. With regard to the relevant prohibitions under New Zealand law, it refers to the 1987 New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act, which "expressly makes it an offence to aid, abet or procure any person to manufacture, acquire, possess, or have control over any nuclear

explosive device. This prohibition also applies extra-territorially to agents or servants of the Crown outside the New Zealand nuclear free zone.”⁹⁸ (For more on the New Zealand law, see **Chapter 9. Laws and norms: Towards non-use and prohibition.**)

Importantly, the Report stresses the connection between resolution 1540 and nuclear disarmament, and states that non-proliferation is a problem that cannot be taken out of context but should rather be addressed comprehensively: the “most effective non-proliferation moves we could make collectively would be to ensure and enhance compliance with the [Nuclear Non-Proliferation Treaty] in all its aspects including nuclear disarmament.”⁹⁹

B

Canada

From criminal measures to effective protection

On 17 May 2012, Senator Romeo Dallaire addressed the Canadian Senate on the second reading of Bill S-9, an act to amend the Canadian Criminal Code in order to enhance implementation of obligations under the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism.

In his address, Senator Dallaire noted that:

“If we are to leave this planet a better place for those who succeed us, then we must take nuclear weapons far more seriously into the forefront, and we must struggle with every effort that we can muster to keep our planet free of their use.

This bill can be seen as a tool to close legal loopholes when it comes to the prosecution of those carrying out activities related to nuclear terrorism. Through the extraterritorial jurisdiction approach, it extends the reach of Canadian law where prosecution may have previously occurred in a legal vacuum. It also provides for extradition in the case of nuclear terrorism without the need for pre-existing bilateral agreements.”¹⁰⁰

However, Senator Dallaire noted that Bill S-9 was insufficient to build a comprehensive norm of illegality or to establish indiscriminate criminal mechanisms to address and prevent all risks of nuclear weapons use. In particular, Senator Dallaire noted that:

“The problem of nuclear terrorism cannot be seen in isolation. It is but one facet, albeit important and not insignificant, of the overall problem of nuclear weapons. (...) A new nuclear order is needed to confirm the symbiotic relationship between the non-proliferation of nuclear weapons and nuclear disarmament. (...) A two-class world in which the powerful aggrandize unto themselves nuclear weapons while proscribing their acquisition by other states is not sustainable.”¹⁰¹

Senator Dallaire pointed to the resolutions adopted unanimously by both the Canadian Senate and the House of Commons in 2010, at the request of over 500 recipients of the Order of Canada, supporting the UN Secretary-General’s Five-Point Plan for the global abolition of nuclear weapons and calling on the Canadian Government to launch a major international diplomatic initiative to achieve this. (See **Chapter 10. Negotiations for a nuclear weapons treaty or package of agreements.**)



Recommendations for Parliamentarians

- Adopt the strongest possible measures to prevent nuclear crimes, including legislation that would make it a criminal offence for State actors or non-State actors to manufacture, acquire, possess, or have control over any nuclear explosive device, or to aid, abet or procure any person in such acts, and allow for the extraterritorial application of such legislation.
- Strengthen the international norm against nuclear crimes by supporting the adoption of an amendment to the Rome Statute of the International Criminal Court that would make the use and threatened use of nuclear weapons a war crime.

NUCLEAR DETERRENCE AND SECURITY

“So long as any state has nuclear weapons, others will want them; so long as any such weapons remain, it defies credibility that they will not one day be used, by accident or miscalculation or design; and any such use would be catastrophic for our world as we know it.”

Gareth Evans, Yoriko Kawaguchi, ICNND Report

“The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States, the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies.”

Active Engagement, Modern Defence, NATO Strategic Concept, November 2010

Probably the biggest barrier to making progress on nuclear disarmament and preventing nuclear proliferation is the continued role of nuclear deterrence in security thinking and doctrines. As long as States believe that nuclear deterrence can protect them from aggression, they will resist or block efforts and initiatives for nuclear disarmament – even if they accept legal obligations or make political commitments otherwise.

Nuclear deterrence terms

Deterrence: persuading an enemy not to attack by making the negative consequences of such an attack much greater than any potential benefits.

Flexible response: a range of possible nuclear-use scenarios, including the deployment of sub-strategic or tactical weapons for battlefield use or for use as an interim step prior to massive retaliation.

Minimal deterrence: the lowest number of nuclear weapons considered necessary to be able to deter an enemy by inflicting unacceptable damage.

Extended nuclear deterrence: an agreement by a nuclear-weapon State to make the threat or use of its nuclear weapons available to deter an attack on an allied State.

Mutually Assured Destruction (MAD): the capacity of two States to destroy each other's countries.

Counter-force: the threat of nuclear retaliation against military targets.

Counter-value: the threat of nuclear retaliation against the opposing State in general.

First-strike: the use of nuclear weapons in response to a conventional attack or to pre-emptively destroy the weapons of an opponent.

Sole purpose: when the only role of nuclear weapons is to deter a nuclear attack.

Existential deterrence: deterrence in a disarmed world based on the ability to redevelop nuclear weapons in response to a re-emerging nuclear threat.

Nuclear deterrence policies arose from a range of different circumstances, exist in a variety of types, and have a range of purposes. A basic understanding of these is important in order to be able to determine the current validity of such policies and the political and security developments required to replace nuclear deterrence in all its forms.

For the **United States**, nuclear weapons were first developed in response to the fear that Hitler might be developing such a weapon and, if successful, could dictate the terms of – and possibly win – the Second World War. US use of nuclear weapons, ostensibly to end WWII, introduced a nuclear-weapon-use doctrine that expanded into a range of nuclear-war fighting plans. Although the most recent Nuclear Posture Review reversed this

US nuclear force: purpose and principles

The US defense strategy aims to achieve **four key goals** that guide the development of US forces' capabilities, development and use: assuring allies and friends of **US steadfastness of purpose** and its capability to fulfil its security commitment; **dissuading adversaries** from undertaking programmes or operations that could threaten US interests or those of our allies and friends; **deterring aggression and coercion** by deploying forward the capacity to swiftly defeat attacks and imposing severe penalties for aggression on an adversary's military capability and supporting infrastructure; and, **decisively defeating** an adversary if deterrence fails.

US Doctrine for Joint Nuclear Operations, March 2005

trend by scaling down the role of nuclear weapons, the US nuclear deterrence doctrine continues to be multifaceted, including the threat or use of nuclear weapons in a range of circumstances involving the threat of attacks against the United States or its allies by nuclear weapons, other weapons of mass destruction or even conventional weapons.

The **Soviet Union** developed nuclear weapons following the Second World War partly to balance the power of the United States and partly to protect itself from an attack like those that followed the revolution. It tended to follow the United States in each technological development for nuclear weapons and most policy developments, but maintained a no-first-use policy.

The **Russian Federation** abandoned this policy, but responded to the International Court of Justice 1996 Advisory Opinion by adopting a policy that nuclear weapons could only be used in the extreme circumstance when its very survival was threatened. This policy was abandoned, however, in response to the development of ballistic missile defence systems by the United States and its allies, which the Russian Federation perceived as undermining its nuclear deterrence capability.

The **United Kingdom** was the third country to develop and test a nuclear weapon. Its programme was rationalized as both fulfilling the need for an independent deterrent against the Soviet Union and maintaining the United Kingdom as a great global power. In 1998, the United Kingdom affirmed that it would only maintain one nuclear weapon system – SLBMs – and that it would lower operational readiness to use such weapons from days or weeks to months.

UK nuclear doctrine

“The UK’s nuclear weapons are (...) to deter and prevent nuclear blackmail and acts of aggression against our vital interests that cannot be countered by other means (...)

We deliberately maintain ambiguity about precisely when, how and at what scale we would contemplate use of our nuclear deterrent. We will not simplify the calculations of a potential aggressor by defining more precisely the circumstances in which we might consider the use of our nuclear capabilities. Hence, we will not rule in or out the first use of nuclear weapons.

The UK’s nuclear deterrent supports collective security through NATO for the Euro-Atlantic area. Nuclear deterrence plays an important part in NATO’s overall defensive strategy, and the UK’s nuclear forces make a substantial contribution.”

The Future of the United Kingdom’s Nuclear Deterrent, UK Defence White Paper presented to Parliament, December 2006

France developed nuclear weapons – and its nuclear deterrence policy – after WWII in order to ensure that it would not again face the prospect of being invaded and occupied as it was during both world wars. It was also responding to the Suez Crisis and to diplomatic tensions with both the Soviet Union and its western allies, the United States and the United Kingdom.

French statement on nuclear doctrine

“The French doctrine of nuclear deterrence is the key pillar of our security. It constitutes equally an eminent factor of stability for the European continent, for the allies of France and for the international community. Nuclear deterrence has therefore contributed, for several decades, to the essential maintenance of security and peace in the world.”

French Declaration to the International Court of Justice, November 1995

Despite the fundamental and comprehensive transformation of Europe since 1991 that would make any invasion and occupation of France by another European nation seemingly unthinkable and by other nations unfeasible, France maintains that its *force de frappe* is vital to ensure that it will never again be weak and susceptible to attack. Furthermore, France sees the possession of nuclear weapons by it and other permanent members of the UN Security Council as protecting global peace and security.

China tested its first nuclear-weapon device in 1964. The weapon was developed as a deterrent against both the United States and the Soviet Union. China adopted a “minimal nuclear deterrence” policy that included non-deployment on foreign territories, no first use and support for a nuclear weapons treaty (global treaty to abolish all nuclear weapons).

India tested a nuclear device in 1974, supposedly for “peaceful purposes”, while maintaining a policy against nuclear weapons and condemning nuclear deterrence up until 1998. The policy changed with nuclear-weapon tests and a declaration of nuclear-weapon-possessing status in May 1998. However, India adopted a “minimal nuclear deterrence” policy similar to that of China, including no first use, support for a convention prohibiting use of nuclear weapons and continued support for a nuclear-weapon convention.

“The refusal of the nuclear weapon states to consider the elimination of nuclear weapons (...) continues to be the single biggest threat to international peace and security. It is because of the continuing threat posed to India by the

deployment of nuclear weapons that we have been forced to carry out these tests.” – **Indian Press Statement**, 15 May 1998

In May 1998, **Pakistan** responded to India’s nuclear tests by testing a series of nuclear weapons and declaring itself a nuclear-weapon power. Pakistan’s quest for a nuclear deterrent was motivated principally by fears of domination by India, which has much bigger conventional forces than Pakistan. As such, Pakistan has not been prepared to adopt a no-first-use doctrine.

The price of nuclear deterrence

“To those who believe nuclear weapons desirable or inevitable, I would say these devices exact a terrible price even if never used. Accepting nuclear weapons as the ultimate arbiter of conflict condemns the world to live under a dark cloud of perpetual anxiety. Worse, it codifies mankind’s most murderous instincts as an acceptable resort when other options for resolving conflict fail.”

General Lee Butler, former Commander of the US Strategic Air Command, US National Press Club, 4 December 1996

Israel is believed to have produced nuclear weapons, commencing its nuclear programme in the 1960s in response to a perceived threat to its security – and even its existence – from Arab neighbours and the Islamic Republic of Iran. Israel does not admit it has nuclear weapons, as such admission could provide a rationale for other Middle East countries to also acquire them. Nor, however, does it deny it possesses nuclear weapons, in order to ensure that “enemies” are deterred from attacking in the belief that Israel could respond with such weapons. Israel supports the concept of a Middle East zone free of nuclear weapons and other weapons of mass destruction, but only after comprehensive peace is achieved in the region.

“Give me peace and we will give up the atom (...) If we achieve regional peace, I think we can make the Middle East free from any nuclear threat.” – **Israeli Prime Minister Shimon Peres**, December 1995

NATO integrated nuclear weapons into its security doctrine during the Cold War as a deterrent against a Soviet attack with either nuclear or conventional weapons. Three NATO States possess nuclear weapons (France, the United Kingdom and the United States). Five other NATO States (Belgium, Germany, Italy, the Netherlands and Turkey) host US nuclear weapons on their territories, the control of which could be passed

to their militaries during time of war. The other NATO countries are under an extended nuclear deterrence relationship whereby the United States could use nuclear weapons on their behalf.

The United States also provides **extended nuclear deterrence** for Australia, Japan and the Republic of Korea. In the case of Australia, this is restricted by its membership of the South Pacific Nuclear Weapon Free Zone, under which the nuclear-weapon States agree not to threaten use of or use nuclear weapons against members. Japan has proposed that the United States scale back the role of nuclear weapons to “sole purpose”, thus restricting the threat or use of nuclear weapons by the United States on its behalf to one of deterring or responding to a nuclear attack.

After the break-up of the Soviet Union, the Russian Federation signed the Tashkent Treaty with a number of former Soviet socialist republics (the Central Asian States), providing them with positive security guarantees that included the possibility of extended nuclear deterrence for their defence. Such guarantees have been limited by the adoption of the Central Asia Nuclear-Weapon-Free Zone.

In 2003, the **Democratic People’s Republic of Korea** withdrew from the NPT and subsequently tested nuclear weapons. It announced that it had taken that measure to prevent an attack against the country, which it believed was threatened by the United States. Its action was prompted by the US military intervention in Iraq, which was brought about by Iraq’s alleged possession of weapons of mass destruction.

“The Iraqi war taught the lesson that ‘nuclear suspicion’, ‘suspected development of weapons of mass destruction’ and suspected ‘sponsorship of terrorism’ touted by the U.S. were all aimed to find a pretext for war and one would fall victim to a war when one meekly responds to the IAEA’s inspection for disarmament. Neither strong international public opinion nor big country’s opposition to war nor the UN charter could prevent the U.S. from launching the Iraqi war. It is a serious lesson the world has drawn from the Iraqi war that a war can be averted and the sovereignty of the country and the security of the nation can be protected only when a country has a physical deterrent force, a strong military deterrent force capable of decisively repelling any attack to be made by any types of sophisticated weapons. The reality indicates that building up a physical deterrent force is urgently required for preventing the outbreak of a nuclear war on the Korean peninsula and ensuring peace and security of the world.” **Press Statement by the DPRK**, 15 May 2003

The 2009 IPU resolution on nuclear non-proliferation and disarmament calls on “all nuclear-armed States to adopt confidence-building measures, including the de-emphasizing of nuclear weapons in national security doctrines and the removal of all nuclear weapons from high alert status.”

A basic knowledge of nuclear deterrence is necessary in order to advance policy initiatives to reduce and replace reliance on it. However, nuclear deterrence cannot be fully analysed here, nor is it necessary to empower parliamentarians to take action. You don't have to be an expert biologist to find your way out of a forest. Similarly, focusing too narrowly on nuclear-deterrence theory can limit rather than inspire solutions for achieving a nuclear-weapon-free world in the 21st century. Nuclear deterrence experts are prone to over-examining the reasons for, and politics

of, maintaining nuclear deterrence, paying less attention to exploring solutions and political opportunities for changing the nuclear-deterrence/nuclear-proliferation dynamic.

One very useful contribution to the latter concern was made by the ICNND in its report, *Eliminating Nuclear Threats: A Practical Agenda for Global Policy Makers*, which identified a number of key rationales for nuclear deterrence, examined their validity, and provided possible approaches to reducing and replacing the genuine security roles for nuclear deterrence.¹⁰²

In essence, the ICNND indicated that some drivers for nuclear deterrence are totally illegitimate. These include:

- the argument that nuclear weapons cannot be “un-invented”, so there is no point trying to eliminate them;
- ascribing status to nuclear-weapon possession;
- the use of nuclear weapons as a tool of power and persuasion; and
- the argument that disarmament is not necessary to advance non-proliferation.

(Others have also identified the financial interest of corporations producing nuclear weapon systems and the nuclear-weapon scientific communities as strong drivers for maintaining nuclear weapon policies.)

The ICNND argued that other drivers or roles ascribed to nuclear deterrence are ill-founded, unproven or can now be met by other means. These include the beliefs that:

- nuclear weapons have deterred, and will continue to be required to deter, war between the major powers;
- nuclear weapons are required to deter any chemical or biological weapons attack;
- nuclear weapons are required to deter terrorist attacks;
- nuclear weapons are required to protect US allies; and
- any major move towards disarmament would be inherently destabilizing.

However, the ICNND argues that there are some genuine security roles for nuclear deterrence and that these must be addressed in order to achieve comprehensive nuclear disarmament. These include the role of nuclear weapons to deter nuclear attack and the possible role of nuclear weapons in countries with inferior conventional forces to deter any large-scale conventional attack.

Parliamentarians, especially in those countries that ascribe to nuclear deterrence, have a responsibility to take up the challenge - and indeed, the legal, moral and security obligation - to achieve nuclear disarmament, by discussing the continued validity of nuclear deterrence and developing policies to rescind or replace it by other security mechanisms. This issue is too important to be left to defence and foreign affairs ministries, which too often are bound up in the status quo.

Such exploration can occur in national parliaments, regional parliamentary organizations such as the NATO Parliamentary Assembly and informal parliamentary groups.

The NATO Parliamentary Assembly, for example, discussed this issue from 2008 to 2010 with a particular focus on the role of nuclear weapons in NATO policy (and the deployment of US non-strategic weapons in Europe). The Sub-Committee on Future Security and Defence Capabilities recommended that continued exploration by parliamentarians from NATO countries was vital, especially on the

question of: “What alternative measures might Member States find acceptable in ensuring their defence should a change to the status quo (i.e. removal of remaining US nuclear weapons from Europe) take place?”

The imperative for parliamentarians to examine the validity of, and alternatives to, nuclear deterrence

“Parliamentarians in many countries pay too much deference to defence officials and are often slow to challenge policies, particularly nuclear policies. Instead they need to push for radical changes to old or outdated policies and secure the support of all politicians and military officials for arms control agreements backed by effective verification measures.”

Lord Des Browne, former UK Defence Secretary, Chair of the European Leadership Network, member of the IPU Committee on UN Affairs, October 2011

Various other groups – including the European Leadership Network, Parliamentarians for Nuclear Non-proliferation and Disarmament, the Inter-Action Council and the Asia Pacific Leadership Network – have also taken up the task of exploring and promoting security mechanisms to replace nuclear deterrence. These include establishment of Nuclear Weapon Free Zones (particularly in the Middle East and North-East Asia), strengthening international institutions such as the UN Security Council and the International Criminal Court, and commencing preparatory work on the framework for a nuclear weapon-free world.

Deterrence versus defence

Policymakers often talk about defence and deterrence as if they were the same. Ward Wilson makes a useful distinction between the two.

“**Deterrence** is psychological. It is the process of persuading an opponent that the costs of a particular action are too high. It relies on the calculation of your enemy, on his mental acuity and rationality. In this way, deterrence can never work on a person who is insane, or whose ability to calculate has been overwhelmed by emotion. It relies on your opponent’s ability and willingness to calculate the costs before acting and is therefore, to the extent that human calculation is unreliable, an unreliable means of protecting yourself and those you love.”

“**Defence**, on the other hand, can be thought of as interposing a physical presence between your enemy and those you wish to protect from harm. Defence can be a shield held up to deflect a sword stroke, a bullet proof vest, or a field army interposed between your enemy and your economically fertile valleys and prosperous cities.”

Ward Wilson, Rethinking Nuclear Weapons Project, James Martin Center for Nonproliferation Studies

Good Practice**NWPS****Examples****A. 2010 United States Nuclear Posture Review**

From primary purpose to non-nuclear security

B. India and the Rajiv Gandhi Action Plan in the 21st century

Reducing the salience of nuclear weapons in security doctrines

A**2010 United States Nuclear Posture Review****From primary purpose to non-nuclear security**

In December 2009, US Congressmen Ed Markey and Pete Stark sent a letter to President Obama (co-signed by another 24 US legislators) urging the President to use the Nuclear Posture Review process to “make a dramatic break from the nuclear weapons policies of the past” and to “faithfully implement the agenda you have laid before our nation”.¹⁰³

They encouraged President Obama to take three practical steps relating to the nuclear deterrence doctrine, namely to:

- limit the mission of nuclear-weapons to a sole purpose of deterrence against the threat of nuclear weapons, rescinding other roles relating to other weapons of mass destruction, conventional weapons or unforeseen circumstances;
- end the high-alert status of nuclear weapon systems (their operational readiness to be used within minutes under launch-on-warning policies); and
- pledge that the United States would not use nuclear weapons first in any conflict.

The significance of the first point is that if all nuclear-weapon States moved to a doctrine of sole purpose, then negotiations can start on a treaty to eliminate nuclear weapons under strict and effective international control. The nuclear-weapon States would be able to consider giving up their nuclear arsenals so long as they can be convinced that all other nuclear-weapon possessors would be doing likewise.

The significance of the second and third points is that their implementation would greatly reduce the risks of nuclear-weapon use by accident or miscalculation, and would also reduce the threat posture and reduce tensions between nuclear-armed States.

President Obama responded positively to the calls in the letter by including in the Nuclear Posture Review, released in April 2010, two significant changes to US nuclear policy:

- to make the **primary purpose** of nuclear weapons to deter nuclear weapons, with a commitment to working towards making this the sole purpose of nuclear weapons; and
- to **maximize the presidential decision-making time** in a nuclear crisis (a formulation indicating a lowering of operational readiness to use nuclear weapons).

In addition, the Nuclear Posture Review affirmed the practice of non-use of nuclear weapons and called for this practice to be “extended forever”.¹⁰⁴

Recognizing that moving to a nuclear-weapon-free world would require the development of security mechanisms and frameworks to phase out nuclear deterrence, President Obama also included commitments to:

- increase the **reliance on non-nuclear elements** to strengthen regional security architectures;
- initiate a comprehensive **national research and development programme to support continued progress towards a world free of nuclear weapons**, including expanded work on verification technologies and the development of transparency measures; and
- **engage other States possessing nuclear weapons**, over time, in a multilateral effort to limit, reduce and eventually eliminate all nuclear weapons worldwide.

B

India and the Rajiv Gandhi Action Plan in the 21st century

Reducing the salience of nuclear weapons in security doctrines

In October 2010, at the request of Indian parliamentarian Shri Mani Shankar Aiyar, Prime Minister Manmohan Singh established the Rajiv Gandhi Action Plan Group to examine and revise the nuclear

disarmament proposals submitted by Rajiv Gandhi to the UN General Assembly in 1988 in order to produce an action plan more relevant to current security needs and frameworks.

The Group, chaired by Shri Mani Shankar Aiyar, produced a report in August 2011 that included a number of recommendations on practical measures to reduce the salience of nuclear weapons in the security doctrines of the States possessing such weapons in order to pave the way for a nuclear-weapon-free world.¹⁰⁵ These included that India should:

- initiate bilateral dialogues on nuclear disarmament issues with all other States possessing nuclear weapons;
- promote an agreement by the States possessing nuclear weapons on the non-use of nuclear weapons against non-nuclear States;
- promote a global agreement to prohibit the use and threat of use of nuclear weapons, which would need to include the allies covered by extended nuclear deterrence doctrines as well as the States possessing nuclear weapons; and
- support the commencement of multilateral negotiations on the elimination of nuclear weapons.

For India to successfully implement any of these policies, it would need positive engagement from other States possessing nuclear weapons. As such, Shri Mani Shankar Aiyar and other members of the Rajiv Gandhi Action Plan Group have been promoting the recommendations in key forums in such countries, including through delegation meetings, parliaments, and conferences of Global Zero, PNND and others.

Recommendations for Parliamentarians

- Call for the rescinding of launch-on-warning and for taking all remaining nuclear weapon systems off high operational readiness for use.
- Initiate studies and hold hearings on approaches to phasing out nuclear deterrence and achieving security without nuclear weapons.
- Explore additional measures to strengthen the norm of non-use of nuclear weapons with a view to their global elimination.

Good Practice**ALLIES OF NWS****Examples****A. NATO Parliamentary Assembly**

Challenging the status quo, providing new answers

B. German Parliament

Questions on reducing the role of nuclear weapons in security doctrines

C. North-East Asia

Enhancing non-nuclear security through a nuclear-weapon-free zone

A**NATO Parliamentary Assembly****Challenging the status quo, providing new answers**

In November 2010, NATO adopted the new Strategic Concept outlining its future nuclear policy and establishing two new processes to discuss deterrence and arms control. For the first time, NATO committed itself to creating “the conditions for a world without nuclear weapons”.¹⁰⁶ On the other hand, the Strategic Concept makes it clear that NATO leaders are not prepared to undertake unilateral nuclear disarmament, stating that “as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance”.¹⁰⁷

The NATO Parliamentary Assembly provided input for the discussions leading to the new Strategic Concept through two key working groups, one on US non-strategic nuclear weapons in Europe¹⁰⁸ and one on missile defences in NATO¹⁰⁹ (both chaired by Raymond Knops of the Netherlands).

The groups raised key questions that need to be addressed in fulfilling NATO’s aims of creating the conditions for a nuclear-weapon-free world. These include:

- Do NATO members – the easternmost Allies and Turkey in particular – continue to see the physical presence of US nuclear weapons as a necessary demonstration of the US deterrent?

- What alternative measures might Member States find acceptable in ensuring their defence should the status quo change?
- To what extent should changes in NATO's nuclear policy be linked to initiatives by the Russian Federation?
- What is the relationship between the ongoing development of missile defence systems and the issue of US nuclear weapons in Europe?

The NATO Parliamentary Assembly provides a useful forum for discussing these issues, and thus advancing new approaches to reducing the role of nuclear weapons in NATO doctrine and strengthening non-nuclear security policies and mechanisms. The groups were clear that an enhanced discussion on these issues is necessary – in national parliaments, the NATO Parliamentary Assembly and other forums.

German Parliament

B

Questions on reducing the role of nuclear weapons in security doctrines

On 28 September 2011, a group of German parliamentarians submitted a series of questions in parliament to the Foreign Minister on further developing German nuclear disarmament policy – strengthening and developing Germany's role in non-proliferation. These included questions on reducing the role of nuclear weapons in NATO's strategy, withdrawing US nuclear weapons from Germany and the relationship between missile defence systems and the development of collective and cooperative security. The questioners pointed to the agreements States, including Germany, concluded at the 2010 NPT Review Conference to make progress in these areas.

In answering the questions, the Foreign Minister announced that Germany would enhance its efforts in support of a nuclear-weapon-free world.¹¹⁰ He noted that the conditions for commencing negotiations on a nuclear weapons convention were not yet fulfilled, but announced a project with the Middle Powers Initiative and PNND “to investigate the conditions for creating a nuclear-weapons-free world”.¹¹¹ The Bundestag Subcommittee on Disarmament and Arms Control has focused on this project as a way of enhancing parliamentary and government

consideration of strategies to reduce and eliminate the role of nuclear weapons in security doctrines, including through the examination of non-nuclear approaches to security.

C

North-East Asia

Enhancing non-nuclear security through a nuclear-weapon-free zone

Nuclear deterrence plays a very prominent role in the security doctrines of all north-east Asian countries. Japan and the Republic of Korea rely on extended nuclear deterrence provided by the United States to counter conventional and nuclear threats they perceive from China, the Democratic People's Republic of Korea and the Russian Federation. The Democratic People's Republic of Korea withdrew from the NPT in 2003 and embraced nuclear deterrence in response to threats it perceived from supposedly hostile States, in particular the United States. The country has since tested nuclear weapons and indicated that it will not return to the 1992 Agreement on the Denuclearization of the Korean Peninsula or rejoin the NPT unless progress is made towards normalizing relations, such as a peace treaty to formally end the current armistice and additional non-aggression security assurances.

In this context, the proposal for a north-east Asian nuclear-weapon-free zone (see **Chapter 6. Nuclear-Weapon-Free Zones**, “North-East Asia nuclear-weapon-free zone”, for details of the proposal and parliamentary action) could enhance security and scale back the role of nuclear weapons for all States in the region. Under the proposal put forward by a cross-party group of Japanese and Korean legislators, Japan and the Republic of Korea would agree to forgo nuclear deterrence with respect to the Democratic People's Republic of Korea (but would remain “protected” by US extended nuclear deterrence in response to the security threats they perceive from China and the Russian Federation). The United States, the Russian Federation and China would agree not to threaten or use nuclear weapons against Japan or either of the two Koreas. In return, the DPRK, having received such security guarantees, would be required (and would most likely therefore be willing) to give up its nuclear-weapon capability.

Formal discussions of the proposal have not been possible due to the inability of the governments to resume the Six-Party Talks. However, parliamentarians from the region have been able to explore, discuss and advance the proposal in a range of forums, including cross-party meetings, parliamentary conferences, delegation visits (to Washington, Pyongyang and Beijing) and side-events at UN and NPT meetings. Such discussions, and the resulting papers and draft treaty, provide fertile ground for diplomats to discuss the proposal once formal talks resume.



Recommendations for Parliamentarians

- Ask questions in parliament on what the government is doing to lower the role of nuclear weapons in security doctrines in line with the agreements made at the 2010 NPT Review Conference.
- Initiate studies and hold hearings to examine the validity of nuclear deterrence in current security frameworks, and to consider approaches to phasing out nuclear deterrence and achieving security without nuclear weapons.
- Examine proposals for establishing nuclear-weapon-free zones (e.g. in North-East Asia, the Arctic and Central Europe) as approaches to attaining security guarantees, reducing the role of nuclear weapons and building cooperative security.

NUCLEAR-WEAPON-FREE ZONES

The 2009 IPU resolution on nuclear non-proliferation and disarmament encourages “parliaments to support the full ratification and implementation of existing nuclear-weapon-free zones, and to explore the possibility of establishing additional nuclear-weapon-free zones freely agreed by States in specific regions”; it calls in particular “for the necessary steps to be taken to declare the Middle East a nuclear-weapon-free zone, without exception, in keeping with the resolution endorsed by the NPT Review Conference in 1995.”¹¹²

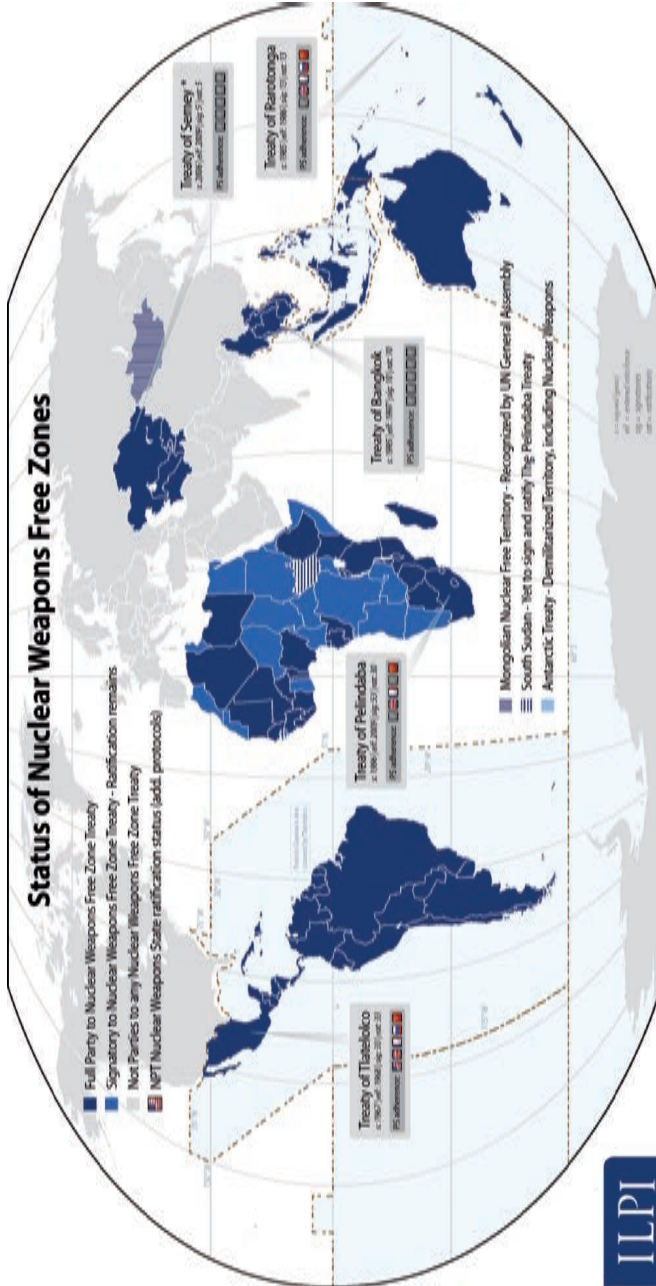
A nuclear-weapon-free zone is a specified region in which countries commit themselves not to manufacture, acquire, test or possess nuclear weapons. Five such zones exist today, with four of them spanning the entire Southern Hemisphere. The regions currently covered by such commitments are: Latin America (the 1967 Treaty of Tlatelolco), the South Pacific (the 1985 Treaty of Rarotonga), South-East Asia (the 1995 Treaty of Bangkok), Africa (the 1996 Treaty of Pelindaba) and Central Asia (the 2006 Treaty of Semipalatinsk).

Each treaty includes a protocol for the nuclear-weapon States to sign and ratify, whereby they legally commit themselves not to use or threaten to use nuclear weapons against treaty States Parties (“negative security assurances”).

Article VII of the NPT affirms the right of countries to establish specified zones free of nuclear weapons.¹¹³ UN General Assembly resolution 3472 B (1975) reaffirmed that right and outlined the conditions for such zones.¹¹⁴ Within these nuclear-weapon-free zones, countries may use nuclear energy for peaceful purposes.

Nuclear-weapon-free zones are an effective means of strengthening the global nuclear prohibition norm, addressing non-proliferation issues and promoting regional cooperative non-nuclear security. As such, proposals for such zones have been made for regions with complex and unstable security environments, including the Arctic, North-East Asia and the Middle East.

Figure 5: An overview of existing nuclear-weapon-free zones worldwide.



<http://nwp.ilpi.org>

Good Practice

NON-NWS

Example

A. Existing nuclear-weapon-free-zone treaties

Building the nuclear prohibition norm

A

Existing nuclear weapon-free zone treaties

Building the nuclear prohibition norm

The treaties below form the basis for the existing regional nuclear-weapon-free zones:

- **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean** (Treaty of Tlatelolco¹¹⁵) – Adopted in 1967, entered into force in 1968: forbids its signatory nations from using, storing or transporting nuclear weapons, and created an intergovernmental agency, OPANAL, to ensure that the obligations of the treaty are met.
- **South Pacific Nuclear Free Zone Treaty** (Treaty of Rarotonga¹¹⁶) – Adopted in 1985, entered into force 1986: bans the manufacture, possession, stationing and testing of any nuclear explosive device in treaty territories for which the parties are internationally responsible; it also bans the dumping of radioactive waste at sea.
- **Treaty on the Southeast Asia Nuclear Weapon Free Zone** (Bangkok Treaty¹¹⁷) – Adopted in 1995, entered into force in 1997: it obliges its members not to develop, manufacture or otherwise acquire, possess or have control over nuclear weapons.
- **Treaty on a Nuclear Weapon Free Zone in Central Asia** (Semipalatinsk Treaty¹¹⁸) – Adopted in 2006, entered into force in 2009: obliges its members not to manufacture, acquire, test or possess nuclear weapons.
- **African Nuclear Weapon Free-Zone Treaty** (Pelindaba Treaty¹¹⁹) – Adopted in 1996, entered into force in 2009: prohibits the research, development, manufacture, stockpiling, acquisition, testing,

possession, control or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive waste in the African zone by Treaty States Parties.

In addition, the following treaties denuclearize the areas they respectively cover: the **Antarctic Treaty**¹²⁰ (adopted in 1959, entered into force in 1961); the **Outer Space Treaty**¹²¹ (adopted and entered into force in 1967); and the **Seabed Treaty**¹²² (adopted in 1971, entered into force in 1972).

Parliamentarians were active – indeed at times vital – in the establishment of these nuclear-weapon-free zones. Most of the zones were difficult to achieve, as they included countries or territories that were involved in nuclear testing, or were covered by (extended) nuclear deterrence doctrines. The experience in overcoming these difficulties can encourage success in the establishment of other zones and the development of security without nuclear weapons in other regions.

Good Practice

ALL STATES

Examples

A. Parliamentary support for new nuclear-weapon-free zones:

Promoting cooperative non-nuclear security

A

Parliamentary support for new nuclear-weapon-free zones:

Promoting cooperative non-nuclear security

In addition to strengthening and promoting the existing nuclear-weapon-free zones, parliamentarians have been active in the establishment of new zones. In particular, three proposals have been gaining traction.

North-East Asia Nuclear-Weapon-Free Zone

In February 2010, parliamentarians from Japan and the Republic of Korea met in Tokyo to discuss the idea of a North-East Asia nuclear-weapon-free zone. The meeting, jointly organized by the Japanese and

Korean chapters of the PNND, was inspired by the draft treaty on a North-East Asia zone developed by the Nuclear Disarmament Group of Japan's Democratic Party.

Following up on that meeting, in May 2010, the group of Japanese and Korean parliamentarians released a joint statement on the denuclearization of North-East Asia. The statement was endorsed by 86 Japanese parliamentarians from seven political parties and independents, and seven parliamentarians from three political parties in the Republic of Korea. It states, "We recognize that a Northeast Asia Nuclear Weapon-Free Zone initiative will be effective for achieving the denuclearization of the region (...) we call on the Governments of Japan and [the Republic of Korea] to advocate the establishment of a Northeast Asia Nuclear Weapon-Free Zone in the international forums, including the NPT Review Conference and the UN General Assembly."¹²³

In March 2012, cross-party members of the Japanese chapter of PNND formed a working group to promote the process to establish a north-east Asian zone, including by drafting an agreed outline of the zone's treaty and exchanging views on it with counterpart parliamentarians in the Six-Party countries other than Japan.

Arctic Nuclear-Weapon-Free Zone

With climate change opening up the Arctic region, bringing with it the possibility of increased resource competition, territorial disputes and militarization, parliamentarians in the circumpolar countries are paying closer attention to the proposal to establish the region as a nuclear-weapon-free zone, similar to the one covering Antarctica. This would free both the North and South Poles from nuclear weapons and help to build a more cooperative security environment in the North.

During a conference on an Arctic nuclear-weapon-free zone in the Danish Parliament in November 2008, Member of Parliament Holger Nielsen noted, "*Tensions always get more dangerous when the involving partners possess nuclear weapons. And the Arctic has all preconditions to become a high-tension area. Therefore the Danish government should take an initiative to a treaty, whereby the Arctic is declared a nuclear-weapon-free zone.*"¹²⁴

In 2011, the incoming Social Democrat government commenced a series of consultations with other circumpolar nations to ascertain interest in an Arctic nuclear-weapon-free zone.



© Chief Yeoman Alphonso Bragg, U.S. Navy

Polar bears inspect attack submarine USS Honolulu (SSN718) 280 miles from the North Pole, 12 October 2003.

In Canada, former Member of Parliament Larry Bagnell has proposed a private member's bill to make the Canadian Arctic a nuclear-weapon-free zone. Bill C-629, introduced on 15 February 2011, would make it a criminal offence to “possess, manufacture, test, store, transport or deploy a nuclear weapon in the Canadian Arctic”.¹²⁵ Although the bill was not passed into law, Bagnell's initiative helped spotlight the issue.

Middle East Zone Free from Nuclear Weapons and all other Weapons of Mass Destruction

Following up on a unanimous resolution in the UN General Assembly¹²⁶ and a consensus decision at the 2010 NPT Review Conference on the need for a zone free of weapons of mass destruction in the Middle East, in October 2011 the PNND opened for endorsement a Joint Parliamentary Statement for a Middle East Zone Free from Nuclear Weapons and all other Weapons of Mass Destruction.¹²⁷

The Joint Statement commends the United Nations for its leadership, including the appointment of a host country (Finland) and facilitator for an international conference in 2012 on establishing such a zone, and calls on parliamentarians and parliaments to act in support of its establishment.

A regional zone free of weapons of mass destruction would not only strengthen non-proliferation commitments and mechanisms applicable to all countries in the region, it would also come with security assurances by the NPT-recognized nuclear-weapon States that they would not threaten a nuclear attack on any countries within the zone – an important security requirement that would stem proliferation by removing a key stimulus for adopting nuclear deterrence doctrines.

Good Practice

NWPS

Example

A. Ratification of the Tlatelolco, Pelindaba and Rarotonga Treaties

Negative security assurances

A

Ratification of the Tlatelolco, Pelindaba
and Rarotonga Treaties

Negative security assurances

Each of the above-mentioned treaties includes a protocol for the five NPT-recognized nuclear-weapon States – China, France, the Russian Federation, the United Kingdom and the United States – to sign and ratify. These protocols, which are legally binding, call upon these five nuclear-weapon States to respect the status of the zones and to not use or threaten to use nuclear weapons against treaty States Parties. Such declarations of non-use of nuclear weapons are also known as “negative security assurances” (NSA).

All five nuclear-weapon States have ratified the NSA Protocol of the Tlatelolco Treaty. In addition, China, France, the Russian Federation and the United Kingdom have signed and ratified Protocols II (NSA) and III (ban on nuclear testing in the zone) to the Rarotonga Treaty, and Protocols I (NSA) and II (ban on nuclear testing in the zone) to the Pelindaba Treaty. The United States has signed but not ratified these two treaties. In May 2011, US President Obama submitted the relevant protocols to both treaties to the US Senate for advice and consent to ratification.¹²⁸

None of the nuclear-weapon States have signed the relevant protocol for the treaty creating a zone in South-East Asia (Bangkok Treaty) because of concerns that it conflicts with the right of their ships and aircraft move freely in international waters and airspace.¹²⁹ However, it seems that the Summit of the Association of South-East Asian Nations (ASEAN) in November 2011 may have produced an agreement between ASEAN Members and the nuclear-weapon States that would enable the latter to ratify the Bangkok Treaty.



Recommendations for Parliamentarians regarding existing NWFZs

- Explore ways to strengthen established zones and promote formal linkages between zones through cooperative action and exchange of information and data relevant to treaty verification.
- Parliamentarians from the NPT-recognized nuclear-weapon States are encouraged to support the ratification of the relevant protocols of all Nuclear Weapon-Free Zone Treaties.



Recommendations for Parliamentarians regarding proposed NWFZs

- Take action to support the establishment of a Middle East Zone Free from Nuclear Weapons and other Weapons of Mass Destruction, including by endorsing the *Joint Parliamentary Statement for a Middle East Zone Free from Nuclear Weapons and all other WMD*, and calling on all relevant governments to support the UN-sponsored process for the establishment of such a zone.
- Parliamentarians in circumpolar countries are encouraged to advance the proposal for an Arctic Nuclear-Weapon-Free Zone, and – considering the challenging and changing geo-political conditions of the region – support and commission studies and inquiries into the proposal.
- Parliamentarians in Japan and the Republic of Korea are encouraged to explore and support initiatives to establish a North-East Asian Nuclear-Weapon-Free-Zone, including by endorsing the *Joint Parliamentary Statement on the Denuclearization of Northeast Asia*.
- Parliamentarians advancing proposals for NWFZs are encouraged to liaise with parliamentarians from countries already covered by nuclear-weapon-free zones to draw from their experience.

VERIFICATION, COMPLIANCE AND ENFORCEMENT

In the context of achieving and sustaining universal nuclear disarmament, verification, compliance and enforcement have been referred to as the “Golden or Bermuda Triangle of issues”, depending on your perspective. As noted by Patricia Lewis, Research Director at Chatham House:

*“The three issues are intertwined in a perpetual embrace. Without information provided by verification, the determination of compliance or noncompliance of nuclear disarmament treaties will rest solely in the hands of a few (...) national intelligence agencies. (...) Without law, without impartial evidence, there can be no chance of enforcement. And without enforcement, the whole web of verification deterrence against the spectrum of possible infringement would have little meaning and the rule of law would be undermined.”*¹³⁰

The difficulties of verifying nuclear disarmament will be on a par with the complexity of the disarmament commitment and the level of confidence in compliance required. Significant progress has been made over the years in identifying and solving the technical issues involved in confirming comprehensive nuclear disarmament, i.e. the complete dismantlement of nuclear warheads, their delivery vehicles, the nuclear weapons infrastructure, including nuclear facilities and experimental capabilities, and the disposal of fissile materials. As such, there is an extensive body of experience to draw from in the pursuit of a verification and compliance regime for the achievement and maintenance of a nuclear-weapon-free world. Such a regime will need to be more stringent and effective, and build more confidence, than any disarmament regime so far envisaged if non-compliance is to be deterred.

Although this will not be an easy task, it is by no means an inconceivable one. For a start, such a verification and compliance regime will not have to be constructed from scratch. It will build on the practical experience of disarmament efforts undertaken so far, such as national, bilateral and

regional arms control agreements, cooperative verification studies and initiatives, and international disarmament treaties, as well as those to be undertaken as the goal of zero is approached.

In addition, the international community has access to a much wider range of technologies with much better measurement capacities than in the past, and is thus able to establish more robust on-site and remote systems, complemented by national intelligence gathering and much greater public access and release of formerly secret information on potential or actual nuclear-weapon programmes.

Importantly, the same conjunction of good relationships between major States that will permit the negotiation of a nuclear disarmament treaty will necessarily overcome many of the obstacles, which today seem insurmountable, to the construction of an appropriate verification and compliance system.

An important initial step in verification is greater transparency in nuclear weapon stockpiles. This includes information on numbers and types of nuclear weapons, both deployed and non-deployed, and the nuclear weapons budget. In 2010, the States Parties to the NPT made commitments “to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations”,¹³¹ and invited the UN Secretary-General “to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States”.¹³²

The Model Nuclear Weapons Convention (NWC), circulated by the UN Secretary-General as a guide to comprehensive nuclear disarmament negotiations, covers:

- a range of systems requiring verification, including warheads, delivery vehicles, fissile materials and dual-use components;
- a number of tasks required for verification, including confirmation of baseline data, monitoring the destruction of existing stockpiles, ensuring the non-production of prohibited items and the proper use of dual-use components, and maintaining confidence in a nuclear-weapon-free world;
- a range of technologies and verification systems, including portal controls, remote sensors, data analysis, on-site inspections; and

- ✦ a range of verification arrangements, including bilateral agreements, multilateral agreements, international organizations and national technical means.

All States can play a role in the development of verification systems for a nuclear-weapon-free world. The success of the CTBTO Preparatory Commission in developing a global verification system for the global nuclear test ban demonstrates the positive role that non-nuclear weapon States can play together with nuclear-weapon-possessing States in developing verification systems.

Parliaments have a role to play in authorizing national measures and allocating funds to assist in developing such systems.

Good Practice

NWPS

Examples

A. Verification under Russia-US arms control treaties

From delivery systems to warheads

B. United States Cooperative Monitoring Center

Turning bomb-designing skills into disarmament support

C. The United Kingdom's Disarmament and Arms Control Verification Programme

Developing verification techniques for warhead dismantlement

A

Verification under Russia-US arms control treaties

From delivery systems to warheads

The 1987 INF Treaty marked the first time that the United States and the Soviet Union agreed to reduce their nuclear arsenals, abolish an entire class of nuclear weapons and accept previously inconceivable intrusive on-site inspections for verification. The States Parties' rights to conduct on-site inspections under the Treaty ended on 31 May 2001, but the use of surveillance satellites for data collection continues. The treaty is of

Verification under New START

“We have had boots back on the ground conducting inspections for almost a year now. The United States has conducted 16 inspections in Russia and the Russians have conducted 17 inspections here in the U.S.—we have been keeping pace with each other. Every year, we each have the right to conduct 18 inspections on the other’s territory.

Negotiators worked hard to find innovative new mechanisms to aid in the verification of the Treaty and the results of that work are now evident. For the first time, we are receiving data about re-entry vehicle (warhead) loadings on Russia’s missiles—and Russia, of course, receives the same data from us. The on-site inspection procedures under New START allow the United States to confirm the actual number of warheads on randomly selected Russian missiles. These verification tasks and inspection rights did not exist under the previous START Treaty.

We are constantly in communication with the Russians, exchanging over 1,700 notifications under the New START Treaty so far. These notifications help to track movement and changes in the status of weapon systems. For example, a notification is sent every time a heavy bomber is moved out of its home country for more than 24 hours.

In addition, every six months we exchange a comprehensive database. This gives us a full accounting of exactly where weapons systems are located, whether they are out of their deployment or operational bases and gone to maintenance, or have been retired. This semi-annual exchange, along with the mandatory treaty notifications that continuously update the information that each side receives, create a ‘living document’ that provides a comprehensive look into each other’s strategic nuclear forces.”

Rose Gottemoeller, “A ‘New START’ for Arms Control”, The Hill’s Congress Blog, 22 December 2011

unlimited duration, and thus the States Parties can convene the Special Verification Commission – the treaty-implementing body – at any time, and indeed continue to do so.

Under the 1991 START I, the two superpowers agreed to verification techniques that allowed each government to gain access to designated bases and observe the other country’s nuclear missile programmes. START I placed strong emphasis on constant monitoring, including 12 types of

on-site inspections. In addition, it provided for regular data exchanges and extensive notifications on new nuclear developments. These measures were crucial to building mutual trust and enhancing transparency.

New START continues and expands such verification measures.

Although the verification measures associated with reductions in US and Russian nuclear arsenals have been most welcome, they have some significant limitations. Delivery systems have been the preferred treaty-limited items, while warheads themselves have been addressed only as an afterthought. Nevertheless, such arms-control agreements lay the foundation for pursuing further reductions, accompanied by more comprehensive verification schemes.

The development of verification measures by the United States is enabled by funding allocations from the US Congress.

B	United States Cooperative Monitoring Center
	Turning bomb-designing skills into disarmament support

The Cooperative Monitoring Center (CMC) was established in 1994 at the Sandia National Laboratories (one of the two US nuclear-weapon design centres) out of a special funding allocation from the US Congress to provide a forum for technical and policy experts from around the world to explore how unclassified, shareable technology could help implement confidence-building measures, treaties or other agreements.¹³³ The CMC encompasses a wide range of facilities and partnerships that enable all stages of international technical cooperation, including:

- training in technologies, procedures and approaches (e.g. on-site inspection, remote monitoring, imagery analysis, sensors, tags and seals);
- analysis of security issues and development of options for implementing solutions;
- testing and evaluation of technical approaches; and
- implementation and operation of technical measures.

The CMC organizes collaborative technical projects in the areas of border management, international export control, international nuclear safeguards, international science and technology engagement, non-proliferation studies and analysis, and confidence-building measures.

For example, it has run confidence-building workshops in the Middle East and South Asia focused on the use of technical monitoring tools and the sharing of information to facilitate regional arms control (and verification) agreements.¹³⁴ The CMC also became a key forum for pursuing the US-Russian laboratory-to-laboratory initiative that launched the technical engagement between US nuclear-weapon laboratories and their Russian counterparts. While the CMC continues to emphasize arms control measures to reduce the size of existing nuclear arsenals, much of its work today addresses the international challenges posed by the proliferation of weapons of mass destruction.

Verification in the 2010 US Nuclear Posture Review

The 2010 US Nuclear Posture Review, which establishes “U.S. nuclear policy, strategy, capabilities, and force posture for the next five years to ten years”, includes a series of initiatives aimed to strengthen international and national verification schemes.

It lists as one of the Obama Administration’s key objectives to initiate “a comprehensive national research and development program to support continued progress toward a world free of nuclear weapons, including expanded work on verification technologies and the development of transparency measures”. Another objective is to “set a course for the verified elimination of all nuclear weapons and minimize risk of cheating and breakout, through increasing transparency and investments in verification technologies focused on nuclear warheads, rather than delivery vehicles”.

In addition, the Nuclear Posture Review states that the Administration seeks to “strengthen International Atomic Energy Agency (IAEA) safeguards” by, among other measures, giving the IAEA “additional financial resources and verification authorities”.

The Nuclear Posture Review is commissioned by the US Congress, undertaken by the Department of Defense, accepted by the President and then presented back to the US Congress.

C

The United Kingdom's Disarmament and Arms Control Verification Programme

Developing verification techniques for warhead dismantlement

In accordance with the UK's 1998 Strategic Defence Review, and in response to the Thirteen Steps adopted by the 2000 NTP Review Conference, the UK Government instructed the Atomic Weapons Establishment (AWE)¹³⁵ to conduct "a small research programme to study techniques and technologies with the potential for application to the verification of any future arrangements for the control, reduction and ultimate elimination of nuclear weapon stockpiles".¹³⁶

In the initial phase of the verification project, the AWE conducted research on verifying warhead dismantlement, including:

- authentication of warheads and components, to establish that an item declared to be a nuclear warhead or a component from a nuclear warhead is consistent with those declarations;
- dismantlement of warheads and their components;
- disposition of the fissile material, to ensure that it can no longer be used in nuclear weapons or other explosive nuclear devices; and
- monitoring the nuclear-weapon complex.

Interim reports on the programme's findings were presented at NPT Preparatory Committee meetings in 2003 and 2004 and at the 2005 NPT Review Conference.

Recommendations for Parliamentarians

- Encourage your government to pursue comprehensive verification schemes with other nuclear-weapon-possessing States (ideally accompanying weapons reduction), including verifying warhead dismantlement.
- Encourage your government to assist and bolster international monitoring and accounting by declassifying and making public its total number of nuclear weapons – active deployed, active and inactive reserves, and retired - and to submit this information to the UN repository.
- Develop, strengthen and support international and national verification measures, and increase funding for verification technologies and research.
- Pursue and expand transparency and confidence-building measures between nuclear-weapon-possessing States e.g. through collaborative technical initiatives.

Good Practice**ALL STATES****Examples****A. Comprehensive Nuclear-Test-Ban Treaty verification regime**

Ensuring compliance with the CTBT

B. United Kingdom - Norway Initiative

Cooperation on verification between a NWS and a non-NWS

A**Comprehensive Nuclear-Test-Ban Treaty verification regime****Ensuring compliance with the CTBT**

In order to monitor countries' compliance with the CTBT, its verification regime is designed to detect any nuclear explosion conducted on Earth – underground, underwater or in the atmosphere.¹³⁷

The main task of the CTBTO Preparatory Commission is to build this regime and to ensure that it is operational by the time the Treaty enters into force.

The verification regime consists of the elements appearing below:

International Monitoring System (IMS) – consisting of 337 IMS facilities located around the world in accordance with the Treaty: 170 seismic, 11 hydroacoustic, 60 infrasound and 80 radionuclide stations and 16 radionuclide laboratories, which monitor the planet for any sign of a nuclear explosion. The IMS uses four complementary verification methods, utilizing the most modern technology available. Seismic, hydroacoustic and infrasound stations monitor beneath the Earth's surface, the large oceans and the atmosphere respectively. Radionuclide stations detect radioactive debris produced by atmospheric explosions or vented by underground or underwater nuclear explosions. Radionuclide laboratories help radionuclide stations identify these radioactive substances.

International Data Centre (IDC) – processes and analyses the data registered by the IMS, and communicates data bulletins to Member States for their evaluation and judgement. It also helps Member States

assume their verification responsibilities by providing capacity-building services.

Global communications infrastructure – transmits the data recorded at the IMS stations to the IDC, and data bulletins from the IDC to Member States.

Consultation and clarification – allows a State to request directly from another State or through the Executive Council a consultation and clarification process to resolve and clarify an alleged nuclear explosion (will be available to Member States after entry into force).

On-site inspection – to ascertain whether a nuclear explosion has occurred in violation of the treaty (will be available to Member States after entry into force).

Confidence-building measures – Member States can voluntarily notify the CTBTO Technical Secretariat of any chemical explosion using 300 tonnes or more of TNT-equivalent blasting material detonated on their territories.

Through the CTBTO's Preparatory Commission, the 183 Member States approve the Organization's programme of work and related budget. In



© CTBTO

Environmental sampling during the CTBTO's Integrated Field Exercise in Kazakhstan, 2008.

October 2011, they agreed on a plan to boost its on-site inspection capabilities in the coming years. This is in line with the 2009 IPU resolution on nuclear non-proliferation and disarmament, which calls on “all States to maintain support for the CTBTO verification system until the CTBT enters into force”.¹³⁸

The nuclear weapon tests of 2006 and 2009 conducted by the Democratic People’s Republic of Korea and detected by the CTBTO facilities posed a challenge to the Treaty and the Preparatory Commission on several fronts. Widespread condemnation of the tests demonstrated that the international community was serious about upholding the global nuclear test ban. Though not fully complete, the verification system functioned in a timely, integrated and coherent manner, demonstrating a high level of reliability and reinforcing the message that no nuclear test can go undetected.

In addition to its primary use in the context of verification, the monitoring system produces a wealth of data used in a variety of civil and scientific applications, including research on the Earth’s core, monitoring of earthquakes and volcanoes, climate change research, atmospheric monitoring and biological research, and tsunami warning centres. As a result, the Commission has entered into agreements with a number of UNESCO-approved tsunami warning centres in Australia, France, Indonesia, Japan, Malaysia, the Philippines, Thailand, Turkey and the United States (Alaska and Hawaii). Additional arrangements were being made with Chile and Sri Lanka.

The tragic events that unfolded in the wake of the March 2011 earthquake off the coast of Japan were also a challenging “stress test” for the Commission and its verification regime. In responding to the events, the Commission mobilized its resources and made a major contribution to disaster mitigation efforts: it collected, promptly transmitted and carefully reviewed the relevant data, producing timely and high-quality analyses. It also became a reliable source of information for the media and the general public.

The CTBT verification system monitors the world for evidence of a nuclear explosion. In case of concerns, a consultation and clarification process sets in; however, it is only with the CTBT’s entry into force that on-site inspections, a key provision of final verification, can take place. In the meantime, an action plan has been approved to provide a framework for developing the on-site-inspection regime.

B**United Kingdom - Norway Initiative****Cooperation on verification between a NWS
and a non-NWS**

At the 2005 NPT Review Conference, the United Kingdom and Norway indicated their interest in working together with other governments and state organizations in the field of nuclear arms control verification, in support of their commitment under Article VI of the NPT, which states that nuclear-weapon States and non-nuclear-weapon States alike should “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”.

Scholarship programme on verification

In parallel with the UK-Norway Initiative, the University of Oslo has taken an initiative to start a scholarship programme on disarmament verification. The programme is for young scientists in developing countries and encourages their involvement in disarmament-related issues, such as verification, fissile material disposition and elimination and proliferation-resistant technologies and materials. The programme has so far involved seven scientists from various countries, such as Azerbaijan, China, Egypt, Ghana and Pakistan, in addition to disarmament simulation exercises in 2011 (two such exercises are planned for 2012).

The programme takes the conclusions of the 2002 *United Nations Study on Disarmament and Non-Proliferation Education* as its starting point. The study emphasizes that education is a vital but underutilized tool for peace and disarmament and identifies “a pressing need to expand and improve disarmament and non-proliferation education and training in order to promote disarmament and non-proliferation and to strengthen international security and enhance sustainable economic and social development”. It acknowledges that “a primary tool for fostering a culture of peace is the promotion of educational curricula on peaceful conflict-resolution, dialogue, consensus-building and active non-violence”.

For more on disarmament education and the UN Study, **see Chapter 12. Disarmament education.**

In 2007, the United Kingdom and Norway, assisted by the NGO VERTIC, launched an initiative exploring technical and procedural challenges associated with a possible future nuclear disarmament verification regime – the first time a nuclear-weapon State and a non-nuclear-weapon State collaborated in this field of research. The initiative follows up on the verification research conducted by the UK's Atomic Weapons Establishment (see above, Good practice, NWPS).

The overarching consideration for the UK-Norway Initiative is that one of the main challenges for any verification system is to allow inspectors to gather adequate proof of treaty compliance, while simultaneously protecting sensitive or proliferative information in the host State's possession. In its three years of operation, the initiative has conducted research into two elements related to verification: how to give non-authorized personnel of an inspecting party from a non-nuclear-weapon State access to sensitive facilities of the host nuclear-weapon State (Managed Access¹³⁹) and how to satisfy inspection demands while ensuring that sensitive or proliferative measurement data is not released to the inspecting party (Information Barriers¹⁴⁰).

The lessons learned from the UK-Norway Initiative can offer other interested States the foundation and guidance they require to undertake their own collaborative or independent verification. The initiative demonstrates that nuclear-weapon States and non-nuclear-weapon States need not be on opposite sides of the disarmament debate, but instead can cooperate constructively.



Recommendations for Parliamentarians

- Promote regionally relevant collaborative initiatives between nuclear-weapon-possessing States and non-nuclear-weapon States on verification measures.
- Explore and develop verification technologies and methodologies for the achievement and maintenance of a nuclear-weapon-free world, including verification tasks (warheads, delivery vehicles, facilities, materials, R&D and know-how) and technologies (e.g. satellites, remote sensors, radiation detectors, tamper-indicating devices and radiation portal monitors).
- Develop, strengthen and support international and national verification measures, and increase funding for verification technologies and research.

NUCLEAR SPENDING, CORPORATIONS AND SCIENTIFIC RESEARCH

“At a time when the international community is facing unprecedented global challenges, parliamentarians can take on leading roles in ensuring sustainable global security, while reducing the diversion of precious resources from human needs. As parliaments set the fiscal priorities for their respective countries, they can determine how much to invest in the pursuit of peace and cooperative security.”¹⁴¹

UN Secretary-General **Ban Ki-moon**, Letter to all parliaments, February 2010

A recent study by the Ploughshares Fund estimates that the United States will spend around US\$ 700 billion on its nuclear weapons over the next decade (2012-2022). A 2008 study by the Carnegie Endowment – on which the Ploughshares estimate was largely based – estimated the US nuclear weapons budget for that year to be roughly US\$ 52 billion. The international movement Global Zero recently released a report which found that in 2011 the nuclear-weapon-possessing States collectively spent approximately US\$ 100 billion on their nuclear programmes and that spending will top US\$ 1 trillion over the next decade (2012-2022).¹⁴²

Banking on the bomb

An ICAN report identifies 20 major nuclear-weapon producers and more than 300 banks, insurance companies, pension funds and asset managers from 30 countries that invest significantly in corporations producing nuclear-weapon systems. How should parliaments deal with this sector, which has a vested interest in continuing high spending on nuclear weapons?

Much of this money goes to private companies awarded contracts to manufacture, modernize and maintain nuclear weapons and their delivery vehicles. US President Eisenhower's warning 50 years ago of the threat of the "military-industrial complex" (a formidable union of the armed forces and defence contractors) to democratic government has arguably come true. A recent ICAN report identifies 20 major nuclear-weapon producers, and more than 300 banks, insurance companies, pension funds and asset managers from 30 countries that invest significantly in these corporations.¹⁴³ In addition, scientific research into the development and maintenance of nuclear weapon systems robs such intellectual activity from the areas of health, social and economic need.

Against the backdrop of increasing budgetary austerity and widespread cuts in health and social spending, such allocations for weapon systems appear not only exorbitant, but also counter to the economic and social needs of nation States and the international community. The **biennial** UN Core Budget, for example, is only US\$ 5.1 billion (2012/2013) – or 5 per cent of the **annual** global nuclear weapons budget.

An equally, if not more important, issue is that no one knows, or ever has known, what nuclear weapons really cost, which makes reliably predicting future expenditure (or savings from future cuts) exceptionally difficult. The nuclear-weapon-possessing States have never tracked nuclear-weapon-related spending comprehensively, making it difficult to engage in effective oversight and weigh priorities in nuclear security policy.

As Stephen I. Schwartz, of the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, notes with regard to US nuclear weapons spending:

*"The problem is not (...) that the government 'has never officially disclosed the exact cost,' it's that no one knows the exact cost because all the relevant data have never been collected and analyzed. For a program that has consumed an estimated \$8.7 trillion (in inflation-adjusted 2010 dollars) since 1940, making it the third most expensive government program of all time, that is simply unacceptable, and it should be unacceptable whether one believes current and proposed future spending is too much or too little."*¹⁴⁴

In some of the nuclear-weapon-possessing States, parliamentarians have endeavoured to re-order budget priorities and address the lack of transparency in nuclear weapons budgets. In addition, in some instances parliaments have been able to halt the development of new types of nuclear weapons through their oversight function.

A key lobby for continued nuclear-weapon spending is the corporations securing the lucrative contracts to produce the weapons. Parliamentary oversight in nuclear-weapon States can provide some control on cost over-runs and inefficiencies. Parliaments in some non-nuclear-weapon States have taken more significant action, including divesting public funds from such corporations.

The opportunity-cost of militarism

“Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.”

Dwight D. Eisenhower, from a speech before the American Society of Newspaper Editors, 16 April 1953.

Good Practice**NWPS****Examples****A. Funding cuts for nuclear bunker busters**

Stopping new generations of nukes

B. “Freeze the Nukes – Fund the Future” / SANE Act

Re-ordering budget priorities and enhancing national security

A**Funding cuts for nuclear bunker busters****Stopping new generations of nukes**

The 2002 United States Nuclear Posture Review called for the “development of new nuclear weapons”¹⁴⁵ to deal with deeply buried, hardened targets. In response to the caves, tunnels and bunkers encountered in the “war on terror” in Afghanistan, in 2002 the Bush Administration asked Congress to fund research on the Robust Nuclear Earth Penetrator (RNEP), also known as the “nuclear bunker buster”.

In 2003, at the request of the Bush Administration, the US Congress repealed a prohibition of research and development of “low-yield” nuclear weapons (also known as “mini nukes”), which had been in place since 1993, in order to allow work on RNEP.

The RNEP programme drew widespread criticism from civil society groups, former military officials, and both Democratic and Republican legislators. They argued that for a nuclear bunker buster to be effective, it would need a “high-yield” nuclear warhead, which would cause massive, uncontrollable nuclear fallout. Critics were also worried that having nuclear earth penetrators in the arsenal could lower the threshold for use of nuclear weapons, including against non-nuclear-weapon States. In addition, many lawmakers were concerned that the development of new types of nuclear weapons would send the wrong message to the global community and hinder international non-proliferation and disarmament efforts. As Democratic Congressman Ed Markey noted, “If we are to convince other countries to forgo nuclear weapons, we cannot be preparing to build an entire new generation of nuclear weapons here in the US.”¹⁴⁶

Moved by these concerns, in 2004, members of the US Congress reached across the political aisle and cut bunker-buster funding. A year later, a bipartisan coalition of appropriators, led by Republican Congressman David Hobson, once more denied the Administration's request for RNEP funding. Hobson stressed that the Bush Administration "should read this as a clear signal from Congress" that any attempt to revive the funding in the 2006 budget "would get the same reaction". No more funding requests were submitted in subsequent years, and the programme was thus effectively shut down.

B**"Freeze the Nukes – Fund the Future" / SANE Act****Re-ordering budget priorities
and enhancing national security**

On 11 October 2011, US Congressman Ed Markey (Co-President, Parliamentarians for Nuclear Non-proliferation and Disarmament) called on the US Joint Select Committee on Deficit Reduction (Super Committee) – tasked with determining budget cuts to address US debt – to cut the nuclear weapons budget before slashing vital programmes for seniors, families and the most vulnerable.

At a press conference presenting the Joint Congressional Letter to the Super Committee, Congressman Markey was joined by national security experts and health and seniors advocates, including Lt. General Robert G. Gard, a leading expert on nuclear non-proliferation and national security issues, who said, "Representative Markey's proposal is not only militarily responsible but it also would enhance U.S. national security."¹⁴⁷ Congressman Markey, a member of the Natural Resources Committee and senior member of the Energy and Commerce Committee, stated, "With enough nuclear firepower to blow the world up 5 times over, the real choice is between continuing to spend billions on weapons we no longer need and cannot afford or funding programs that put us on the path to a more prosperous future."¹⁴⁸

On 8 February 2012, Congressman Markey followed up on his Freeze the Nukes – Fund the Future initiative by introducing legislation that would cut US\$ 100 billion over the next 10 years from the US nuclear weapons budget. The Smarter Approach to Nuclear Expenditures (SANE) Act of 2012, which was co-sponsored by 34 members of Congress, would cut



Source: markey.house.gov

Congressman Ed Markey presenting his “Freeze the Nukes - Fund the Future” proposal.

Freeze the Nukes – Fund the Future

“The Berlin Wall fell. The Soviet Union crumbled. The Cold War ended. Yet 20 years later, we continue to spend over \$50 billion a year on the U.S. nuclear arsenal. This makes no sense. These funds are a drain on our budget and a disservice to the next generation of Americans. (...)

We call on the Super Committee to cut \$20 billion a year, or \$200 billion over the next ten years, from the U.S. nuclear weapons budget. This cut will enable us to stay safe without further straining our budget. This cut will improve our security. This cut will allow us to continue funding the national defense programs that matter most.

Consider how this saving compares to vital programs on which Americans rely. We spend approximately \$20 billion per year on Pell Grants to help students pay for college. We spend \$5 billion to ensure that Americans do not freeze in their homes during the winter. We need to freeze our nuclear weapons, and fuel our stalled economy. (...)

The Super Committee should not reduce funding to vital programs relied upon by millions of Americans. Cut Minuteman missiles. Do not cut Medicare and Medicaid. Cut nuclear-armed B-52 and B-2 bombers. Do not cut Social Security. Invest in the future, don't waste money on the past.”

Joint Congressional Letter to the United States Super Committee, October 2011.

specific nuclear weapons and related programmes and make US nuclear-weapon forces the right size for the 21st century. “The SANE Act will cut spending on outdated, wasteful nuclear weapons and related programs over the next ten years and will strengthen our long-term economic and national security,” Congressman Markey noted.¹⁴⁹

Specifically, the SANE Act would:

- cut the current fleet of nuclear submarines from 12 operational at sea to eight operational at sea (**US\$ 3 billion in savings**);
- delay the purchase of new nuclear submarines (**US\$ 17 billion in savings**);
- reduce the number of ICBM (**US\$ 6 billion in savings**);
- end the nuclear missions of air bombers (up to **US\$ 17 billion in savings**);
- delay new bomber programmes (**US\$ 18 billion in savings**); and
- cancel new, wasteful nuclear weapons facilities (**US\$ 15 billion in savings**).

Congressman Markey’s initiatives in the US Congress effectively demonstrate how parliamentarians can re-order budget priorities, raise awareness of and address the disquieting disparity between military and social and health spending, and aim to realign military capabilities with today’s threats.

Recommendations for Parliamentarians

- Call for increased transparency of nuclear weapon spending and request from your government comprehensive, unclassified (and classified) annual accounting of all nuclear weapon-related expenditures.
- Pursue reductions in nuclear weapons budgets to enhance national security and re-order budget priorities towards achieving social and health objectives.
- Place greater emphasis on programmes that secure and prevent the proliferation of nuclear weapons, material, technology and expertise, as well as cooperative confidence-building programmes that pursue arms control and disarmament measures, and reprioritize budgetary allocations accordingly.

Good Practice**ALLIES OF NWS****Examples****A. Divestment from nuclear-weapon corporations**

Investing in accordance with international obligations

A**Divestment from nuclear-weapon corporations****Investing in accordance with international obligations**

The Norwegian Government Pension Fund (Global, formerly known as the Government Petroleum Fund) is the world's second largest sovereign wealth fund and the repository of the Norwegian people's excess oil and natural gas wealth.

In 2002, a governmental committee (the Graver Committee) was established and tasked with proposing ethical guidelines for the Fund. The Committee's report and subsequent discussions in the Norwegian Stortinget (Parliament) led to the adoption of the Ethical Guidelines for the Fund by Parliament in November 2004. In addition, a Council on Ethics for the Fund was established.

At the core of the Ethical Guidelines lies the belief that the Fund should not make investments that carry an unacceptable risk that the Fund may contribute to unethical acts or omissions, such as violations of fundamental humanitarian principles, serious violations of human rights, gross corruption or severe environmental damages.¹⁵⁰

The criteria set out in the Guidelines prohibit investment in companies which themselves, or through entities they control, produce weapons whose normal use violates fundamental humanitarian principles,¹⁵¹ produce tobacco or sell weapons or military material to Myanmar.

Although other countries have adopted similar divestment policies,¹⁵² at the time Norway's scheme was unique in that it included divestment from companies involved in "the development and production of key components for nuclear weapons".¹⁵³ This is based on the Guidelines' provision that the Fund shall not invest in companies that produce weapons that "violate fundamental humanitarian principles through their normal use".

The Graver Committee and the Norwegian Stortinget considered that nuclear weapons and cluster munitions, though not indisputably prohibited under international law, might be considered to violate fundamental humanitarian principles, and should thus also fall under the Fund's divestment scope. The exhaustive list of weapons that were considered to violate humanitarian principles includes: chemical and biological weapons, blinding laser weapons, munitions with fragments not detectable by X-ray, incendiary weapons as referred to in the UN Conventional Weapons Convention, anti-personnel mines, cluster weapons and nuclear weapons.

The conclusion of the Graver Committee and the Stortinget that the Fund should not invest in companies that "develop and produce key components for nuclear weapons" has been interpreted by the Council as encompassing more than just the actual production of nuclear warheads. The exclusion criterion includes delivery mechanisms, such as missiles carrying the warhead (ICBM), certain forms of testing as well as maintenance of nuclear weapons.

Nuclear divestment in New Zealand

In New Zealand, a coalition of members of parliament and NGOs approached the Government Superannuation Fund and requested that it follow the Norwegian example by divesting from corporations involved in unethical enterprises.

The Fund responded initially by divesting from corporations involved in the production of anti-personnel landmines and whale meat – two items prohibited in New Zealand. However, so far, the Fund has resisted the call to exclude from its investment portfolio other "unethical" corporations, including those involved in the manufacture of nuclear weapons or related components.

In line with this demarcation, since 2005, 10 international companies have been excluded from the Fund's portfolio, on the grounds that they were involved in the development and production of key components for nuclear weapons.¹⁵⁴

The potential effects of ethical guidelines for investment policies, such as those adopted by Norway, should not be underestimated. Such divestment can affect the behaviour of both corporations and investors. Furthermore, public divestment policies and ethical guidelines for public funds can help shape international public opinion by further stigmatizing certain instruments, products and behaviour.

Good Practice**NON-NWS****Examples****A. Parliamentary resolution supporting UN Secretary-General's nuclear disarmament plan**

Channel nuclear weapons spending towards the Millennium Development Goals

A

Parliamentary resolution supporting UN Secretary-General's nuclear disarmament plan

Channel nuclear weapon spending towards the Millennium Development Goals

On 5 April 2010, the Bangladesh Parliament unanimously adopted a resolution giving “full support to the Bangladesh government to advance the UN Secretary-General’s nuclear disarmament plan and especially the proposal for negotiations to conclude a Nuclear Weapons Convention”.¹⁵⁵ Introduced by Saber Chowdhury (Member of Parliament, President of the IPU’s First Standing Committee on Peace and International Security), the resolution urged all governments and national parliaments to support the Secretary-General’s plan. It further noted “that the US\$ 100 billion spent annually on nuclear weapons should be channelled instead towards meeting the UN Millennium Development Goals as well as the urgent climate change adaption funding needs of the most vulnerable countries.”¹⁵⁶

Recommendations for Parliamentarians

- Pursue ethical investment schemes to ensure that public funds are divested from companies involved in unethical practices, including the manufacture of nuclear weapons or their components.
- Draw attention to the economic dimensions of the global nuclear weapons complex and call on NWS and nuclear-sharing States to redirect nuclear weapons expenditure to meeting crucial development and environmental objectives.

LAWS AND NORMS: TOWARDS NON-USE AND PROHIBITION

“The Council of Delegates (...) finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law, in particular the rules of distinction, precaution and proportionality.”

Council of Delegates of the International Red Cross and Red Crescent Movement,
26 November 2011

In its 1996 landmark Advisory Opinion on the Legality of the threat or use of nuclear weapons, the International Court of Justice examined current treaty law, customary rules and State practice with regard to nuclear weapons and, based on its analysis, concluded unanimously that the principles and rules of international humanitarian law apply to the use of nuclear weapons.¹⁵⁷ It held that the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law.

International humanitarian law governs the use of weaponry and force in war. It prohibits the use of weapons or methods of warfare that cause indiscriminate harm to civilians (who are protected), cause unnecessary suffering to combatants, have effects that are disproportionate when

Legality of nuclear retaliation

Just as torture is illegal even against citizens or officials of a country that has used torture against its own citizens, so, too, would the use of nuclear weapons remain illegal even if used against a country that has used nuclear weapons.

The indiscriminate nature of nuclear weapons means that their use cannot be limited to legitimate targets – and use that would indiscriminately affect civilians is prohibited.

compared to the anticipated military advantage, or cause widespread, long-term and severe damage to the environment. The International Court of Justice could find no circumstance in which the threat or use of nuclear weapons would conform to such law. However, its inconclusiveness on legality in the “extreme circumstance of self-defence when the very survival of a State is at stake”¹⁵⁸ limited the impact of the Court’s opinion on the policies of the nuclear-weapon States at the time.

More recently, there has been renewed acknowledgement of the humanitarian consequences of nuclear-weapon use, and interest has grown in the application of international law, particularly humanitarian law, to nuclear weapons. The 2010 NPT Review Conference expressed “its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirm[ed] the need for all States at all times to comply with applicable international law, including international humanitarian law”.¹⁵⁹

The 2011 Vancouver Declaration, “Law’s Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World”, underlines the incompatibility of nuclear weapons with law and human security.¹⁶⁰ In November 2011, the Council of Delegates of the International Red Cross and Red Crescent Movement adopted a resolution entitled: “Working towards the elimination of nuclear weapons”, which affirms the irreconcilability of nuclear weapons with international humanitarian law. It “emphasizes the incalculable human suffering that can be expected to result from any use of nuclear weapons [and] the lack of any adequate humanitarian response capacity” and calls for States to undertake negotiations to prohibit and eliminate nuclear weapons through a legally binding international agreement.¹⁶¹ In April 2012, the Norwegian Foreign Minister announced to parliament that Norway would host an inter-governmental conference in the spring of 2013 on the humanitarian consequences of nuclear weapons.¹⁶²

The recognition of the catastrophic humanitarian consequences of any use of nuclear weapons and the application of international humanitarian law to the nuclear weapons debate is a welcome development, and has the potential to help break the impasse in multilateral nuclear disarmament negotiations and open the way for genuine progress. Importantly, international humanitarian law places humanitarian considerations at the centre of the nuclear weapons debate and as such demands highly

effective outcomes focused on prohibiting these weapons – as opposed to the lowest-common-denominator results associated with gradual arms control measures. A humanitarian law approach might provide a basis for like-minded States to prohibit a weapon system without having to wait for consensus by all States possessing such weapons. The application of such an approach enabled the achievement of treaties banning anti-personnel landmines and cluster munitions, and has the same potential to stimulate negotiations on an international treaty to ban nuclear weapons.

Some nuclear-weapon-possessing States – including China, the Democratic People’s Republic of Korea, India and Pakistan – support such a prohibition. Others are not yet ready to prohibit the weapons, but may be ready to join a global prohibition on use similar to the 1925 prohibition on the use of chemical weapons (i.e. with right of retaliation), or at least to affirm a norm against nuclear-weapon use.

Some nuclear-weapon-possessing States have adopted “no-first-use” policies – a commitment that nuclear weapons will only be used in response to a nuclear attack by others. (See also **Chapter 5. Nuclear deterrence and security**).

Commitments to no first use are important confidence-building measures along the road to nuclear disarmament, significantly reduce the need for a nuclear deterrent, could lead to changes in State practice in deploying nuclear arsenals (including de-alerting, separating warheads from delivery vehicles, eliminating tactical nuclear weapons), and would implicitly provide negative security assurances to non-nuclear-weapon States.

However, no-first-use policies still entail the threat to use nuclear weapons in retaliation. Such policies might be consistent with the requirement under international humanitarian law for proportionality, but would still violate the other elements of the law. Just as torture is illegal even against citizens or officials of a country that has used torture against its own citizens, so would the use of nuclear weapons be illegal even against a country that has used nuclear weapons. The indiscriminate nature of nuclear weapons means that their use cannot be limited to legitimate targets – and use that would indiscriminately affect civilians is prohibited. Thus, international humanitarian law generates an imperative to prohibit any use of nuclear weapons and to ensure such prohibition is

implemented by eliminating existing weapons under strict and effective international control.

The 2010 United States Nuclear Posture Review took a step in this direction by affirming that “it is in the U.S. interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever.”¹⁶³ It included no proposals, however, on steps that could be taken to codify such a norm against use in any binding international instrument. The United States continues to oppose resolutions at the United Nations to negotiate either a convention prohibiting use of nuclear weapons (proposed by India) or a more comprehensive convention to prohibit the threat, use and possession of nuclear weapons and provide for their elimination.

Good Practice

NWPS

Examples

A. No-First-Use Pact

Bilateral confidence-building measure

B. 2010 United States Nuclear Posture Review

Towards a norm of non-use

A

No-First-Use Pact

Bilateral confidence-building measure

Of the five nuclear-weapon States, China is the only one that has adopted an unconditional no-first-use nuclear policy; it did so in 1964, immediately after its first successful nuclear test. Of the nuclear-weapon-possessing States outside the NPT, only India has proclaimed a no-first-use policy (after its nuclear tests in 1998).

In 1994, at the UN General Assembly, China proposed to the other NPT nuclear-weapon States a draft treaty on no first use. However, only the Russian Federation took up the proposal, and eventually (4 September 1994) made a bilateral commitment with China declaring

that neither country would be the first to use nuclear weapons against each other or target their nuclear weapons at each other.¹⁶⁴

B

2010 United States Nuclear Posture Review

Towards a norm of non-use

Although it fell short of declaring no first use, the 2010 Nuclear Posture Review reduces the role of US nuclear weapons, stating that, “The fundamental role of U.S. nuclear weapons, which will continue as long as nuclear weapons exist, is to deter nuclear attack on the United States, our allies, and partners.”¹⁶⁵ It adds that the United States will refrain from using nuclear weapons in response to a chemical or biological attack.

The US doctrine also includes the following assurance to other States: “The United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.”¹⁶⁶

Importantly, the Nuclear Posture Review notes that, “It is in the U.S. interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever,” and that although the United States is “not prepared at the present time to adopt a universal policy that the ‘sole purpose’ of US nuclear weapons is to deter nuclear attack on the United States and our allies and partners, [it] will work to establish conditions under which such a policy could be safely adopted.”¹⁶⁷ While this reaffirmation of the norm of non-use is a welcome development, it would be of little comfort if possession were also to be extended forever.

Recommendations for Parliamentarians

- Call on your government to commit to and strengthen the norm of non-use of nuclear weapons.
- Explore possibilities for adopting a policy of “sole purpose” as a starting point for negotiations for the global prohibition of nuclear weapons.
- Raise in parliament, through hearings, debates or studies, the issue of the humanitarian consequences of any use of nuclear weapons and the incompatibility of any use of nuclear weapons with international humanitarian law, and thus the imperative to seek alternatives to nuclear weapons in security doctrines.

Good Practice**NON-NWS****Examples****A. New Zealand Nuclear Free Zone, Arms Control and Disarmament Act**

From nuclear ally to anti-nuclear advocate

B. Nuclear Free Amendment to the Philippine Constitution

Entrenching the anti-nuclear norm

C. Constitutional Law in Favour of a Nuclear-Free Austria

Commitment to promote anti-nuclear policy

D. Law of Mongolia on its nuclear-weapon-free status

Building recognition through a single-State nuclear-weapon-free zone

A**New Zealand Nuclear Free Zone,
Arms Control and Disarmament Act****From nuclear ally to anti-nuclear advocate**

The horrific health and environmental consequences of nuclear testing in the South Pacific, growing concern about the risks of nuclear war and government plans to develop nuclear energy led to a surge in anti-nuclear sentiment in Aotearoa-New Zealand in the 1970s. Among the campaigns employed by the anti-nuclear movement was the declaration of nuclear-weapon-free zones in classrooms, work places, towns and cities. By the 1984 general election, over 66 per cent of New Zealanders lived in such zones, and the victorious Labour Party, under the leadership of David Lange, had adopted an unequivocal policy to ban nuclear weapons from the country's territory and waters. In 1987, the nuclear-free policy was firmly cemented in the New Zealand Nuclear Free Zone, Arms Control and Disarmament Act.

The Act contains a number of provisions. It prohibits manufacture, acquisition, possession or control over nuclear weapons as well as

aiding and abetting any person in doing so, by New Zealand citizens or residents. It also contains an extraterritoriality clause prohibiting such acts by agents of New Zealand anywhere in the world. The Act also established the Public Advisory Committee on Disarmament and Arms Control to advise the Minister of Foreign Affairs and Trade on any disarmament issues it deems important; its Chairman is the Minister for Disarmament and Arms Control – a unique position not found in any other country.

Although New Zealand's nuclear-free legislation came under severe pressure from its western allies – particularly Australia, the United States and the United Kingdom – and led to significant diplomatic ostracism, successive governments have been steadfast in maintaining the policy and keeping it a cornerstone of the country's identity.

The policy has provided a platform for New Zealand to advance nuclear disarmament initiatives globally, including as a supporter of the case heard against nuclear weapons by the International Court of Justice and the follow-up UN resolution calling for a nuclear weapons convention, as a member of the New Agenda Coalition, and as one of the like-minded countries supporting the criminalization of nuclear-weapon use in the Statute of the International Criminal Court.

There has been a shift in the US attitude towards the anti-nuclear legislation under the Obama Administration. In November 2010, at the signing of an agreement to forge stronger strategic ties between the two countries, US Secretary of State Hilary Clinton commended New Zealand's leading role on nuclear non-proliferation, effectively ending the 25-year nuclear row.¹⁶⁸

On 31 May 2012, New Zealand's Parliament unanimously adopted a motion submitted by member Maryan Street commemorating the 25th anniversary of legislation prohibiting nuclear weapons, highlighting the catastrophic humanitarian consequences of any use of nuclear weapons, affirming that all States have a role to play in creating the framework for a nuclear-weapon-free world, commending Norway for its announcement that it would hold a high-level conference on the humanitarian consequences of nuclear weapons, and calling on the New Zealand Government to give its full support to the conference.¹⁶⁹

B**Nuclear-Free Amendment to Philippine Constitution****Entrenching the anti-nuclear norm**

In 1987 the Philippines amended its Constitution to affirm that the country adopts and pursues a policy of freedom from nuclear weapons in its territory (Article II, Section 8 of the 1987 Philippine Constitution).¹⁷⁰ This constitutional policy means that the government may not store or allow anyone to store nuclear weapons on the national territory, and nuclear-armed aircraft and vessels may not be allowed to enter.

Invoking this constitutional provision, in 1988 the Philippine Senate passed by a wide margin an anti-nuclear bill that not only prohibits nuclear weapons from being stored in the Philippines but also prohibits nuclear-armed ships and aircraft from entering or transiting into or through Philippine territory.

As with previously discussed nuclear-free legislation, the Philippines policy proved an effective tool in the country's work to build and affirm an independent identity, and preceded the Senate's rejection of the new Military Bases Agreement with the United States in 1991.¹⁷¹

C**Constitutional Law in favour of a Nuclear-free Austria****Commitment to promote anti-nuclear policy**

In July 1999, the Austrian Parliament passed the Constitutional Law in favour of a Nuclear-Free Austria, which prohibits the testing, production, storage or transport of nuclear weapons within Austrian territory. In addition, the Constitutional Amendment reaffirms the ban on constructing or operating nuclear power plants in Austria and includes a provision guaranteeing that damages caused by a nuclear accident in Austria should be compensated appropriately. Moreover, the law calls on the federal government to implement the anti-nuclear policy internationally.

D**Law of Mongolia on its nuclear-weapon-free status****Building recognition through a single-State nuclear-weapon-free zone**

In September 1992, the same year the last Russian troops left Mongolia, Mongolian President Punsalmaagin Ochirbat announced at the 47th session of the UN General Assembly that Mongolia's territory would be a nuclear-weapon-free zone and that the country would work to have its status internationally recognized.¹⁷²

Mongolia's anti-nuclear stance stemmed largely from the fear that it would be caught in the middle of a conflict between its nuclear neighbours, China and the former Soviet Union, which had an increasingly tense and confrontational relationship in the 1960s and 1970s. Nuclear testing by the two countries near Mongolia's territory further heightened anxieties about the dangers of nuclear weapons.

Following constructive multilateral diplomacy, notably with its neighbours, and practical work through the United Nations,¹⁷³ Mongolia cemented its policy into law in 2000 when the State Great Hural (national parliament) adopted the Law of Mongolia on its nuclear-weapon-free status, which entered into force the same day.¹⁷⁴

Peaceful purposes nuclear clause in the Brazilian Constitution

Though not as far-reaching as the other examples highlighted in this section, Brazil's 1988 Constitution includes a peaceful purposes clause (Article 21), which states that "all nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress".

In addition, Brazil signed the Treaty of Tlatelolco (nuclear-weapon-free-zone treaty for Latin America and the Caribbean) in 1967, making it a nuclear-weapon-free zone. Signatories agree to prohibit and prevent the "testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons" and the "receipt, storage, installation, deployment and any form of possession of any nuclear weapons".

The Law prohibits individuals, legal persons, or any foreign State on Mongolian territory from developing, manufacturing or otherwise acquiring, possessing or having control over nuclear weapons, stationing or transporting nuclear arms by any means, testing or using nuclear weapons, or dumping or disposing of nuclear-weapon-grade radioactive material or nuclear waste. It further bans transportation of nuclear weapons, parts or components thereof, as well as nuclear waste or any other nuclear material designed or produced for weapon purposes through the territory of Mongolia.

Among other verification measures, the legislation gives the Mongolian Government the right to gather information, stop, detain and search any suspected aircraft, train, vehicle, individual or group of persons. In addition, NGOs or individuals may exercise public oversight of the implementation of the legislation and submit proposals thereon to the relevant State authority.

The Mongolian initiative remains unique and innovative with respect to the theory of nuclear-weapon-free zones established under UN auspices, in that it does not comprise a group of countries covering a specific geographic area but rather one State declaring its sovereign territory free of nuclear arms. A 1974 comprehensive study on nuclear-weapon-free zones, commissioned under UN General Assembly resolution 3261 F, created the possibility for such unilateral action, as it proclaims that “obligations relating to the establishment of nuclear-weapon-free zones may be assumed not only by groups of States, including entire continents or large geographical regions, but also by small groups of States and even individual countries.”¹⁷⁵

As such, Mongolia’s legislation obliges its National Security Council to coordinate the international institutionalization of its nuclear-weapon-free status. To this end, Mongolia has worked multilaterally and bilaterally to secure negative security assurances¹⁷⁶ from nuclear-weapon States. Mongolia’s novel solution could inspire States in similar geopolitical circumstances facing comparable security issues.



Recommendations for Parliamentarians

- Explore, initiate, and/or support legislation that would prohibit nuclear weapons, including - but not limited to - the prohibition of the manufacture, acquisition, possession or control over nuclear weapons, as well as their stationing, storage or transport within territorial boundaries.
- Examine the possibilities of including in such legislation *extra-territoriality* (prohibitions applicable to actions by nationals of the country committed anywhere in the world) and *universality* (prohibitions applicable to anyone regardless of their nationality or where the acts were committed).
- Adopt resolutions in your parliament recognizing the catastrophic humanitarian consequences of any use of nuclear weapons and affirming the incompatibility of international humanitarian law with nuclear weapons, and the illegality of their use (and possibly threat of use and possession).



NEGOTIATIONS FOR A NUCLEAR WEAPONS TREATY OR PACKAGE OF AGREEMENTS

*The 2009 IPU resolution on nuclear non-proliferation and disarmament urges “parliaments to instruct governments to express their support for the UN Secretary-General’s Five-Point Proposal”.*¹⁷⁷

On United Nations Day, 24 October 2008, UN Secretary-General Ban Ki-moon gave a landmark speech in the United Nations, entitled: “Contagious doctrine of deterrence has made non-proliferation more difficult”, in which he announced a five-point proposal for nuclear non-proliferation and disarmament, bringing together ideas from UN resolutions, proposals to the Conference on Disarmament, and a number of high-level commissions. His primary point was to call on governments to fulfil their nuclear disarmament obligations by negotiating a package of instruments or a comprehensive nuclear weapons convention. He added, “Upon the request of Costa Rica and Malaysia, I have circulated to all United Nations Member States a [Model Nuclear Weapons Convention], which offers a good point of departure.”¹⁷⁸

The Model NWC was drafted by a consortium of lawyers, physicians, scientists and non-proliferation and disarmament experts.¹⁷⁹ It was released in 1997 and revised in 2007. It outlines a global treaty prohibiting the use, threat of use, possession, development, testing, deployment and transfer of nuclear weapons and providing a phased programme for their elimination under effective international control. Comparable to the existing treaties intended to ban entire categories of weapons, such as the Chemical Weapons Convention, the Biological Weapons Convention, the Mine Ban Treaty, and the Cluster Munitions Convention, the Model NWC contains detailed provisions for national implementation and verification, establishes an international agency

responsible for enforcement and dispute settlement and indicates procedures for reporting and addressing violations.

The Model NWC was drafted to demonstrate that it was feasible to prohibit and eliminate all nuclear weapons and thus stimulate discussion and negotiations to that end. Its drafting was initiated by the Abolition 2000 Global Network to Eliminate Nuclear Weapons, following the International Court of Justice Advisory Opinion of 1996 affirming the universal “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”.¹⁸⁰

Costa Rica submitted the Model NWC to the UN Secretary-General in 1997; it was then circulated as a discussion document (UN Doc A/C.1/52/7) in order to support the United Nations resolution calling for implementation of the Advisory Opinion through negotiations concluding in a nuclear weapons convention.

Support for a Nuclear Weapons Convention has also come from a number of other influential organizations and people, including the Inter-Action Council¹⁸¹ (comprising 20 former Heads of State from Canada, Germany, Norway, the United States and other countries), Mayors for Peace¹⁸² (comprising over 5,000 mayors and cities), the Nobel Peace Laureate Summits,¹⁸³ Canadians for a Nuclear Weapons Convention¹⁸⁴ (over 500 recipients of the Order of Canada, the country’s highest award) and the 2011 Summit of Latin American Leaders.¹⁸⁵

In 2010 the NPT Review Conference concluded, “All States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons” and noted in this regard “the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification”.¹⁸⁶

These developments have stimulated calls for States to engage in a like-minded approach to start negotiations on a nuclear weapons convention, or at least to begin preparatory work on the elements of such a convention without waiting for all nuclear-weapon-possessing States to agree, much as was done for anti-personnel landmines and cluster munitions.

Parliamentarians – many of them working with the PNND – have been instrumental in garnering support in a wide range of States for the UN Secretary-General’s plan and the proposal it contains to start negotiations on a nuclear weapons convention. They have adopted or proposed resolutions supporting a convention or the plan in their national parliaments and in international parliamentary bodies, endorsed a global parliamentary appeal supporting a nuclear weapons convention and held hearings or other events in parliaments to discuss a convention.

Good Practice

ALL STATES

Examples

A. Parliamentary resolutions supporting a Nuclear Weapons Convention and the UN Secretary-General’s proposal

Supporting a comprehensive approach to nuclear disarmament

B. Hearings on a nuclear weapons convention

Exploring the elements of a global nuclear abolition treaty

Parliamentary resolutions supporting a Nuclear Weapons Convention and the UN Secretary-General’s proposal

A

Supporting a comprehensive approach to nuclear disarmament

Australia

On 21 March 2012, the Australian House of Representatives adopted a resolution introduced by Prime Minister Julia Gillard calling for a number of global nuclear non-proliferation and disarmament steps. It also called for “exploration of legal frameworks for the abolition of nuclear weapons, including the possibility of a nuclear weapons convention, as prospects for multilateral disarmament improve”.

Austria

On 25 March 2010, the Austrian Parliament unanimously adopted a resolution calling on the federal government and the federal Minister

for European and International Matters to advance the UN Secretary-General's Five-Point Proposal, in particular his proposal for negotiations on a nuclear weapons convention.

Bangladesh

On 5 April 2010, the Bangladesh Parliament unanimously adopted a resolution giving “full support to the Bangladesh Government to advance the UN Secretary-General’s nuclear disarmament plan and especially the proposal for negotiations to conclude a Nuclear Weapons Convention”. The resolution also noted “that the \$100 billion spent annually on nuclear weapons should be channelled instead towards meeting the UN Millennium Development Goals as well as the urgent climate change adaptation funding needs of the most vulnerable countries.”¹⁸⁷

Canada

On 2 June 2010, the Canadian Senate unanimously adopted a motion endorsing the UN Secretary-General’s Five-Point Proposal on nuclear disarmament and encouraging the Government of Canada to engage in negotiations for a nuclear weapons convention.¹⁸⁸ The resolution also endorsed a statement, signed by over 500 recipients of the Order of Canada (Canada’s highest public honour), supporting a convention. A similar resolution submitted to the House of Commons was adopted unanimously on 7 December 2010.

Costa Rica

On 23 February 2010, the Costa Rican Legislative Assembly unanimously endorsed the Parliamentary Declaration Supporting a Nuclear Weapons Convention. Outgoing Costa Rican President Oscar Arias noted that the unanimous resolution would help Costa Rica in its efforts to promote the idea of a nuclear weapons convention and the Model NWC at the United Nations. The new President, Laura Chinchilla, has called on countries to join Costa Rica in promoting the nuclear weapons convention.

Germany

A resolution tabled by a wide range of parliamentary groups and adopted on 24 March 2010 calls on the German Government to “continue to play a pro-active role in discussions of the various approaches, also by civil society, to full nuclear disarmament, such as the Global Zero Initiative, and in the debate about the proposal for a nuclear weapons convention”.

Italy

On 23 June 2009, the Italian Parliament adopted a consensus resolution calling on the government to increase its efforts aimed at achieving nuclear disarmament. The resolution highlights a number of proposals and initiatives, including the Hoover Institute plan, the nuclear weapons convention, the UN Secretary-General's Five-Point Proposal and the European Parliament resolution of 24 April 2009.

Mexico

On 8 March 2012, the Senate adopted a consensus resolution supporting the initiative for a global intergovernmental conference to negotiate a nuclear weapons convention (or framework of agreements), supporting measures to achieve security without nuclear weapons (including regional nuclear-weapon-free zones) and calling on all parliaments to support such initiatives.

New Zealand

On 5 May 2010, New Zealand's Parliament unanimously adopted a resolution calling on the New Zealand Government to work with other nations to support the UN Secretary-General's Five-Point Proposal for nuclear disarmament, which endorses the goal of a nuclear weapons convention.

Similar resolutions have been introduced, but not yet adopted, in the parliaments of a number of other countries, including Belgium, France, the United Kingdom and the United States.

Resolution adopted by the European Parliament

On 24 April 2009, the European Parliament, in preparation for the 2010 NPT Review Conference, adopted a report and resolution calling on the European Council to actively support nuclear disarmament. The resolution noted the Model Nuclear Weapons Convention, and called on the European Council to support the Nuclear Weapons Convention and the Hiroshima/Nagasaki Protocol in order to achieve the early prohibition of nuclear weapons and their complete elimination by 2020.

B**Hearings on a nuclear weapons convention****Exploring the elements of a global nuclear abolition treaty**

On 17 December 2008, the Subcommittee on Disarmament, Arms Control and Non-Proliferation of the German Bundestag's Foreign Affairs Committee held initial hearings on the proposal for a nuclear weapons convention as guided by the Model NWC. The hearing was hosted by Committee Chair Uta Zapf and attended by Klaus-Peter Gottwald, the **Federal Government Commissioner for Arms Control and Disarmament**, and parliamentarians from the five political parties represented in the Bundestag. The Bundestag also heard testimony from non-governmental experts involved in the drafting of the Model NWC.

Such parliamentary hearings are an effective and useful way for legislators to familiarize themselves with and discuss the legal, technical and political elements involved in establishing and maintaining a nuclear-weapon-free world through an international treaty or package of agreements.



Recommendations for Parliamentarians

- Submit resolutions or motions in your parliament supporting the UN Secretary-General's Five-Point Proposal, in particular his proposal for negotiations on a Nuclear Weapons Convention or package of instruments.
- Promote the Five-Point Proposal and Model NWC in international parliamentary bodies.
- Submit to your parliament the Model NWC and the UNSG's Five-Point Proposal for nuclear disarmament and call for hearings on a Nuclear Weapons Convention.

DEVELOPING THE MECHANISMS AND INSTITUTIONS FOR NUCLEAR DISARMAMENT

“Parliamentarians and parliaments play a key role in the success of disarmament and non-proliferation efforts. Parliaments support the implementation of treaties and global agreements contributing to the rule of law and promoting adherence to commitments (...) Towards this end, parliaments can establish the institutional infrastructures to support the development of necessary practical measures.”

UN Secretary-General Ban Ki-moon, Letter to all Parliaments, February 2010

For a nuclear-weapon-free world to be achieved and sustained, it will be essential to build the institutional infrastructure needed to ensure that nuclear weapons are eliminated and prevent any proliferation or re-armament. Such infrastructure will need to map out and guide the disarmament process as well as include robust systems of verification and safeguards, and effective compliance and enforcement mechanisms.

A variety of institutions already exist at the national, regional and international level that support and facilitate progress on nuclear non-proliferation and disarmament.

At the domestic level, such institutions help identify, devise and implement policies to support non-proliferation and disarmament, engage and educate the public on these issues, and support a State's endeavours to honour its international obligations. Parliaments have a key role to play in establishing such offices, officials or agencies with disarmament mandates. Institutions at the regional and international levels contribute to the establishment of a global security framework to deal with a wide array of issues related to nuclear non-proliferation and disarmament. The institutions channel political will, facilitate collective

action, foster cooperation and partnership, and implement and enforce international agreements. Parliamentarians play a key role in supporting these existing institutions and ensuring that they can operate effectively.

Parliamentarians also play a key role in supporting the establishment of the additional institutions that will be required to achieve and sustain a nuclear-weapon-free world. The Model NWC outlines the institutional requirements for achieving and sustaining a nuclear-weapon-free world under strict and effective international control. These include monitoring/verification of disarmament steps, environmental controls for destruction of nuclear weapons and storage of nuclear materials, regulating dual-use materials and technologies, mechanisms for resolving the queries and conflicts that arise from the implementation of disarmament obligations, developing appropriate individual responsibility mechanisms, including criminal controls and whistle-blower protection, developing appropriate compliance procedures and mechanisms, and societal education and awareness of the nuclear abolition regime to ensure post-generational support. (See **Annex VII. Model Nuclear Weapons Convention summary.**)

Regarding international processes related to nuclear disarmament, parliamentarians are playing an increasingly active and direct role. More and more, they are asking to join their national delegations to major international conferences. They are exercising closer scrutiny in monitoring the implementation of international commitments, and they are holding their executives to account with regard to both negotiating mandates and follow-up action.

UN General Assembly resolutions, most recently resolutions 65/123 and 66/261¹⁸⁹, UN Member States welcome the practice of including legislators as members of national delegations to major UN meetings and events, and undertake to continue this practice in a more regular and systematic manner. Moreover, the General Assembly commits to “work regularly with the IPU in facilitating a **parliamentary component** to major international processes”. This can be achieved in various ways, for example by convening meetings of parliamentarians on the occasion of important UN conferences (such as the NPT Review Conference), by utilizing existing forums such as the Annual Parliamentary Hearing at the United Nations, and by enhancing cooperation among regional and other parliamentary organizations.

Good Practice**ALL STATES****Examples****A. United States Arms Control and Disarmament Agency**

An independent voice for arms control

B. Bundestag Subcommittee on Disarmament, Arms Control and Non-proliferation

A parliamentary body exploring ways to further non-proliferation and disarmament

C. New Zealand Minister for Disarmament and Arms Control

A unique institutionalization of the commitment to nuclear disarmament

D. Parliamentary engagement in international forums

Building a parliamentary perspective to multilateral disarmament efforts

A**United States Arms Control and Disarmament Agency****An independent voice for arms control**

The US Arms Control and Disarmament Agency was established as an independent agency of the government by the Arms Control and Disarmament Act (75 Stat. 631)¹⁹⁰ proposed by President John F. Kennedy in 1961, in recognition of the fact that the escalating nuclear arms race between the United States and the Soviet Union posed a threat of unprecedented magnitude to the international community.

Some of the Agency's duties included carrying out research on arms control, providing public information on the subject, and planning, negotiating and verifying arms control and disarmament treaties. As such, it ensured that arms control and disarmament were fully integrated into the development and conduct of US national security policy.

The Agency played a key role in negotiating and concluding bilateral and multilateral arms control and disarmament agreements, including

the INF Treaty, START I, the Limited Test Ban Treaty, the Biological Weapons Convention, and the NPT.

In 1997, the Agency was dissolved and its functions (and employees) subsumed into the State Department. This loss of an independent voice for arms control worried many in the arms control community. They feared that key non-proliferation and disarmament goals would be deprioritized in a Foreign Service bureaucracy preoccupied with relations with client States and achieving tactical foreign policy objectives.

These fears were partially offset by the establishment of high-level positions in the State Department, including the Special Representative of the President for Nuclear Nonproliferation, and the Under Secretary of State for Arms Control and International Security. However, these positions appear more susceptible to the policy dictates of the government in power, and less able to advance non-partisan policy than an independent or stand-alone body such as the Agency was.

B **Bundestag Subcommittee on Disarmament,
Arms Control and Non-proliferation**
**A parliamentary body exploring ways to further
non-proliferation and disarmament**

The German Bundestag's Subcommittee on Disarmament, Arms Control and Non-proliferation was established in the late 1960s as a subcommittee of the Bundestag's Foreign Affairs Committee. The Subcommittee also includes members of the Defence Committee.¹⁹¹ It meets regularly to discuss political developments in the area of non-proliferation and disarmament, as well as long-term issues such as the goal of a world without nuclear weapons.

Items on the agenda of the Subcommittee include enforcing the worldwide bans of cluster munitions, anti-personnel landmines, and biological and chemical weapons, promoting conventional arms control in Europe, and examining measures to support nuclear disarmament. In that context, the Subcommittee examined options to remove the estimated 20 remaining US tactical nuclear weapons that are believed to be stationed at Büchel air base. This led to parliamentary initiatives

in the Bundestag in 2005 and 2006 calling for the withdrawal of these tactical nuclear weapons.

In December 2008, the Subcommittee held hearings on the proposal for a nuclear weapons convention, as guided by the Model NWC (See **Chapter 10. Negotiations for a nuclear weapons treaty or framework of agreements.**)



The 1987 New Zealand Nuclear Free Zone, Arms Control and Disarmament Act (see **Chapter 9. Laws and norms: Towards non-use and prohibition**) established a Public Advisory Committee on Disarmament and Arms Control, chaired by the Disarmament and Arms Control Minister.¹⁹²

The dedicated ministerial portfolio for disarmament and arms control is unique in the world and helps facilitate high-level engagement, bolsters diplomatic outreach and enables productive and collaborative relations with civil society.

Notable achievements include leadership in the New Agenda Coalition (seven countries collaborating at ministerial level to advance multilateral nuclear disarmament), promoting the de-alerting of all nuclear weapon systems (including a UN resolution on the issue), and contributions to the establishment and entry into force of the Mine Ban Treaty and the 2008 Convention on Cluster Munitions, as well as the adoption of the CTBT.

D**Parliamentary engagement in international forums****Building a parliamentary perspective to multilateral disarmament efforts**

Throughout the years, the IPU and PNND have organized a series of meetings and events during key international disarmament meetings, such as the Disarmament and International Security Committee of the annual UN General Assembly and the NPT Preparatory Committees and Review Conferences, to engage parliamentarians in these efforts.

During the 2010 NPT Review Conference, the IPU and PNND jointly organized a parliamentary meeting for legislators who had joined their national delegations to the main United Nations conference. An IPU-PNND panel discussion held the following day added an additional parliamentary perspective on the global drive to eliminate nuclear weapons.¹⁹³

Such meetings provide an opportunity to engage legislators in multilateral disarmament efforts, review progress in follow-up to the 2009 IPU resolution on nuclear non-proliferation and disarmament, and assess good practices that have been developed, challenges that remain and opportunities ahead.



Recommendations for Parliamentarians

- Explore the possibilities of establishing in your parliament a body with a mandate to review the government's progress on furthering nuclear non-proliferation and disarmament, track developments at the international level and discuss key issues.
- Work with your government to create an independent institution tasked with articulating and proposing measures to promote nuclear non-proliferation and disarmament at the national and international levels.
- Call on your government to engage with existing international disarmament institutions, work to further bolster them where needed, and explore options to create additional institutions with specific disarmament mandates.
- Request that parliamentarians be included in your country's national delegation to major conferences on nuclear non-proliferation and disarmament.
- Engage actively in parliamentary diplomacy and attend relevant meetings convened by the IPU, PNND and regional and other parliamentary organizations.

DISARMAMENT EDUCATION

“The overall objective of disarmament and non-proliferation education and training is to impart knowledge and skills to individuals to empower them to make their contribution, as national and world citizens, to the achievement of concrete disarmament and non-proliferation measures and the ultimate goal of general and complete disarmament under effective international control.”¹⁹⁴

United Nations Study on Disarmament and Non-Proliferation Education,
August 2002

Disarmament education examines the benefits of, and processes to, reduce, prohibit and eliminate armaments, with the aim of reducing recourse to weapons, and thus both the likelihood and severity of armed conflict.

The United Nations has played a key role in promoting disarmament education. In 1988, in its first special session on disarmament, the UN General Assembly urged governments, NGOs and international institutions “to take steps to develop programmes of education for disarmament and peace studies at all levels”.¹⁹⁵ In 1980, the UNESCO World Congress on Disarmament Education made numerous recommendations on measures to promote research and education on disarmament.¹⁹⁶ In 1982, the UN World Disarmament Campaign was launched to inform and educate, and to generate public understanding and support for arms limitation and disarmament.

In early 2000, the UN Secretary-General’s Advisory Board on Disarmament Matters recommended that a study be conducted of disarmament and non-proliferation education. Later that year, UN General Assembly resolution 55/33 E requested the Secretary-General to prepare such a study. Almost two years later, with the assistance of a group of governmental experts from 10 countries (Egypt, Hungary, India, Japan, Mexico, New Zealand, Peru, Poland, Senegal and Sweden) and after extensive consultation with NGOs and civil society, the study

was completed and presented to the First Committee of the General Assembly at its 57th session on 9 October 2002.

The study found that education is a vital but underutilized tool for peace and disarmament and identifies “a pressing need to expand and improve disarmament and non-proliferation education and training in order to promote disarmament and non-proliferation and to strengthen international security and enhance sustainable economic and social development”.¹⁹⁷ The study further concluded that the need for education on non-proliferation and disarmament education had never been greater, especially in the field of nuclear weapons and other weapons of mass destruction and their delivery systems.

Importantly, in making its recommendations, the study recognized the need to “promote education and training in disarmament and non-proliferation at all levels of formal and informal education, in particular the training of educators, parliamentarians, municipal leaders, military officers and government officials”.¹⁹⁸ It understands such education and training to be “a lifelong and multifaceted process, in which the family, schools, universities, the media, the community, NGOs, Governments, parliaments and international organizations all participate”.¹⁹⁹

The study encourages UN Member States “to accord importance to disarmament and non-proliferation education and training in their programmes and policies, consistent with their national legislation and practices, taking into account present and future trends. They are also encouraged to use, designate or establish public advisory bodies, where appropriate, whose responsibilities include advising on disarmament and non-proliferation education and training practices.”²⁰⁰ In addition, Member States are encouraged “to include parliamentarians and/or non-governmental advisers in delegations to United Nations disarmament-related meetings, taking into account national legislation and practices”.²⁰¹

Disarmament education thus has a dual meaning for parliaments and their members. On the one hand, as legislators, parliamentarians are uniquely positioned to promote and develop policies aimed at furthering disarmament education and training and establish institutions accordingly; on the other hand, there is a need to impart knowledge and skills to parliamentarians themselves to empower them to make an effective contribution to the achievement of concrete disarmament and non-proliferation goals.

Good Practice**ALL STATES****Examples****A. New Zealand Disarmament Education United Nations Implementation Fund**

Facilitating implementation of disarmament education programmes

B. Film screenings in parliament

Using the power of visual media

C. International Day against Nuclear Tests events in parliaments

An effective way to raise awareness of nuclear testing

A	New Zealand Disarmament Education United Nations Implementation Fund
	Facilitating implementation of disarmament education programmes

The Disarmament Education United Nations Implementation Fund (DEUNIF) was established in 2004 by the New Zealand Government to help New Zealand NGOs implement the 2002 *United Nations Study on Disarmament and Non-Proliferation Education*.²⁰² Its purpose is to promote greater understanding of disarmament education and issues raised in the study. DEUNIF provides funding to NGOs in New Zealand to implement disarmament education programmes.

The Public Advisory Committee on Disarmament and Arms Control (PACDAC) is also responsible for making decisions on the grants from the Peace and Disarmament Education Trust (PADET) established in 1988 to promote peace and disarmament. PADET's capital was established from compensation money received by the New Zealand Government from France as a result of the French attack on the Greenpeace ship *Rainbow Warrior* in Auckland Harbour on 10 July 1985.

B**Film screenings in parliament****Using the power of visual media**

Over the years, some excellent films have been made about nuclear non-proliferation and disarmament and the risks of nuclear weapons. Besides being the topic of several powerful documentaries, such as *Countdown to Zero*²⁰³ (2010) and *In My Lifetime*²⁰⁴ (2011), the nuclear threat has been a recurring theme in many fictional films, including *On the Beach* (1959), *Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb* (1964), and *The Day After* (1983). Parliamentary screenings can be a useful way to educate and engage other legislators.

In 2002, for example, *Thirteen Days*, a film about the 1962 Cuban missile crisis, was shown in a number of parliaments, including the US Congress, the Russian Duma and the New Zealand Parliament.

Countdown to Zero was screened for the first time before a parliamentary audience in July 2010, on the occasion of the Third World Conference of Speakers of Parliament, held at the Palais des Nations in Geneva. It was subsequently screened in a number of national parliaments.

C**International Day against Nuclear Tests events in parliaments****An effective way to raise awareness of nuclear testing**

On 2 December 2009, the 64th Session of the United Nations General Assembly declared August 29 the International Day against Nuclear Tests by unanimously adopting resolution 64/35.²⁰⁵

The Day, which occurs on the anniversary of the closing of the Soviet nuclear test site in Semipalatinsk, Kazakhstan, is devoted to enhancing public awareness and education about the effects of nuclear weapon test explosions or any other nuclear explosions and the need for their cessation as one of the means of achieving the goal of a nuclear-weapon-free world.

In 2010, the Day was observed in New Zealand's Parliament by an event opened by the Minister for Disarmament and Arms Control featuring a demonstration of the CTBT global monitoring system live from Vienna and the presentation of awards to the New Zealand Nuclear Test

Veterans Association and Greenpeace for their dedicated efforts to end nuclear testing and achieve compensation for victims. Ambassadors from non-ratifying countries were invited to attend in an effort to encourage their countries to ratify the CTBT.

“As we mark the first International Day against Nuclear Tests, I look forward to working with all partners in a growing global movement to rid the world of the nuclear threat, rein in rising spending on nuclear weapons and bring the Comprehensive Nuclear-Test-Ban Treaty into force. We must stop passing this problem to succeeding generations; we must each do our part to build a safer, more secure world today.”

*Secretary-General Ban Ki-moon,
Message for International Day against Nuclear Tests, 2010*



Recommendations for Parliamentarians

- Review and follow up recommendations made in the UN *Study on Disarmament and Non-Proliferation Education*.
- Ask your government whether it has informed the United Nations of steps taken to implement the recommendations of the Study.
- Pursue programmes and policies aimed at promoting research and education on disarmament.
- Organize screenings of films on disarmament and non-proliferation in your parliament.
- Hold commemorative events in your parliament on relevant International Days, especially 29 August (International Day against Nuclear Tests), 21 September (International Day of Peace), 2 October (International Day of Non-Violence), 24 October (United Nations Day) and 6 November (International Day for Preventing the Exploitation of the Environment in War and Armed Conflict). See www.un.org/en/events/observances/days.



ANNEX I:

Overview of recommendations for parliamentarians

I. STOCKPILE REDUCTIONS

NUCLEAR-WEAPON-POSSESSING STATES

- Encourage your government to urgently pursue and support further transparent, substantial and irreversible nuclear stockpile reductions under unilateral, bilateral or multilateral frameworks.
- Legislators from the P5 countries (China, France, Russian Federation, United Kingdom and United States) could call on their governments to use the P5 process agreed at the 2010 NPT Review Conference to commit to specific stockpile reductions and other plurilateral measures, and announce such commitments at NPT meetings.
- US and Russian legislators can seize the opportunity created by New START to address issues that could assist additional US-Russian arms control agreements, such as further controls on operational tactical (non-strategic) nuclear weapons, ballistic missile defences and conventional weapons.

ALLIES OF NUCLEAR-WEAPON STATES

- Request information from your government on the presence, numbers, role and operational readiness of tactical nuclear weapons.
- Adopt resolutions and statements – either in your parliament or in conjunction with parliaments from other NATO Member States – on the removal of tactical nuclear weapons.
- Initiate parliamentary debate and oversight of government decision-making regarding the renewal of fighter-bombers necessary for the continued hosting of tactical nuclear weapons under nuclear-sharing arrangements, including related budgetary implications.

- Engage in parliamentary assemblies, notably the NATO Parliamentary Assembly, to pursue a revision of the Alliance's strategic concept, to promote non-nuclear security in support of NATO's commitment to create the conditions to achieve a nuclear-weapon-free world.

2. NUCLEAR TESTS

ALL STATES

- Act for ratification of the CTBT if your country has not ratified, and advance draft implementing legislation for ratification (with assistance from the CTBTO).
- Make use of the CTBTO Capacity Development Initiative to build knowledge, skills and capacity in your country to implement CTBT legislation and to contribute to the verification regime.
- Encourage parliamentary colleagues from countries that have not yet ratified the CTBT, especially those in Annex 2 countries, to advance such ratification in their legislatures.
- Hold public education events, including in your parliament and especially on the International Day against Nuclear Tests (29 August), and invite to such events officials from countries that have not yet ratified the CTBT.
- Highlight the value of the CTBT and the CTBTO for nuclear non-proliferation and environmental protection, along with other global civilian benefits including tsunami early warning from earthquakes and radionuclide monitoring from nuclear accidents.
- Encourage your government to contribute stations to the CTBTO international monitoring system, and to support the Treaty by promoting its full ratification and entry into force, as well as the building-up and implementation of the verification regime.

NUCLEAR-WEAPON-POSSESSING STATES

- Extend nuclear test moratoria, particularly through legislation.
- Urge your government to sign and ratify the CTBT if it has not already done so.

- Initiate and strengthen compensation legislation for nuclear test veterans, communities and downwinders.

3. NUCLEAR FACILITIES AND FISSILE MATERIALS

NUCLEAR-WEAPON-POSSESSING STATES

- Support the initiation or extension of moratoria on the production of fissile materials for nuclear weapons.
- Call for full transparency on fissile materials, including declarations of current inventories of HEU.
- Promote the placement of all non-military facilities under IAEA safeguards.
- Advance debate and motions in parliament on the possibility of phasing out HEU and plutonium reactors.
- Parliamentarians in the five countries that reprocess power reactor fuel (China, France, India, Japan and the Russian Federation) should work toward phasing out reprocessing and ensuring the disposal of stocks of separated plutonium.
- Pursue cooperative threat reduction programmes to secure stockpiles of fissile materials.
- Call for the conclusion of a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material and dealing with stockpiles.

4. TERRORISM AND CRIMINALITY

ALL STATES

- Urge your government to sign and ratify the Nuclear Terrorism Convention and other anti-terrorism conventions.
- Call on and work with your government to implement the provisions of UNSC resolution 1540, and to provide support for States that lack the capacity to implement certain provisions of the resolution.
- Adopt legislative measures to implement the Nuclear Terrorism Convention and UNSC resolution 1540.

NON-NUCLEAR-WEAPON STATES

- Adopt the strongest possible measures to prevent nuclear crimes, including legislation that would make it a criminal offence for State actors or non-State actors to manufacture, acquire, possess, or have control over any nuclear explosive device, or to aid, abet or procure any person in such acts, and allow for the extraterritorial application of such legislation.
- Strengthen the international norm against nuclear crimes by supporting the adoption of an amendment to the Rome Statute of the International Criminal Court that would make the use and threatened use of nuclear weapons a war crime.

5. NUCLEAR DETERRENCE AND SECURITY

NUCLEAR-WEAPON-POSSESSING STATES

- Call for the rescinding of launch-on-warning and taking all remaining nuclear weapons systems off high operational readiness for use.
- Initiate studies and hold hearings on approaches to phasing out nuclear deterrence and achieving security without nuclear weapons.
- Explore additional measures to strengthen the norm of non-use of nuclear weapons with a view to their global elimination.

ALLIES OF NUCLEAR-WEAPON STATES

- Ask questions in parliament on what the government is doing to lower the role of nuclear weapons in security doctrines in line with the agreements made at the 2010 NPT Review Conference.
- Initiate studies and hold hearings to examine the validity of nuclear deterrence in current security frameworks, and to consider approaches to phasing out nuclear deterrence and achieving security without nuclear weapons.
- Examine proposals for establishing nuclear weapon-free zones (e.g. in North-East Asia, the Arctic and Central Europe) as approaches to attaining security guarantees, reducing the role of nuclear weapons and building cooperative security.

6. NUCLEAR WEAPON-FREE ZONES

EXISTING NUCLEAR WEAPON-FREE ZONES

- Explore ways to strengthen established zones and promote formal linkages between zones through cooperative action and exchange of information and data relevant to treaty verification.
- Parliamentarians from the NPT-recognized nuclear-weapon States are encouraged to support the ratification of the relevant protocols of all Nuclear Weapon-Free Zone Treaties.

PROPOSED NUCLEAR WEAPON-FREE ZONES

- Take action to support the establishment of a Middle East Zone Free from Nuclear Weapons and other Weapons of Mass Destruction, including by endorsing the *Joint Parliamentary Statement on a Middle East Zone Free from Nuclear Weapons and other WMD*, and calling on all relevant governments to support the UN-sponsored process for the establishment of such a zone.
- Parliamentarians in circumpolar countries are encouraged to advance the proposal for an Arctic Nuclear-Weapon-Free Zone, and – considering the challenging and changing geo-political conditions of the region – support and commission studies and inquiries into the proposal.
- Parliamentarians in Japan and the Republic of Korea are encouraged to explore and support initiatives to establish a North-East Asian Nuclear-Weapon-Free Zone, including by endorsing the *Joint Parliamentary Statement on the Denuclearization of Northeast Asia*.
- Parliamentarians advancing proposals for NWFZs are encouraged to liaise with parliamentarians from countries already covered by nuclear-weapon-free zones to draw from their experience.

7. VERIFICATION, COMPLIANCE AND ENFORCEMENT

NUCLEAR WEAPON-POSSESSING STATES

- Encourage your government to pursue comprehensive verification schemes with other nuclear-weapon-possessing States (ideally accompanying weapons reduction), including verifying warhead dismantlement.

- Encourage your government to assist and bolster international monitoring and accounting by declassifying and making public its total number of nuclear weapons – active deployed, active and inactive reserves, and retired - and to submit this information to the UN repository.
- Develop, strengthen and support international and national verification measures, and increase funding in verification technologies and research.
- Pursue and expand transparency and confidence-building measures between nuclear-weapon-possessing States e.g. through collaborative technical initiatives.

ALL STATES

- Promote regionally relevant collaborative initiatives between nuclear-weapon-possessing States and non-nuclear-weapon States on verification measures.
- Explore and develop verification technologies and methodologies for the achievement and maintenance of a nuclear weapon-free world, including verification tasks (warheads, delivery vehicles, facilities, materials, R&D and know-how) and technologies (e.g. satellites, remote sensors, radiation detectors, tamper-indicating devices and radiation portal monitors).
- Develop, strengthen and support international and national verification measures, and increase funding in verification technologies and research.

8. NUCLEAR SPENDING, CORPORATIONS, AND SCIENTIFIC RESEARCH

NUCLEAR WEAPON-POSSESSING STATES

- Call for increased transparency of nuclear weapons spending and request from your government comprehensive, unclassified (and classified) annual accounting of all nuclear weapons-related expenditures.
- Pursue reductions in nuclear weapons budgets to enhance national security and re-order budget priorities towards achieving social and health objectives.

- Place greater emphasis on programmes that secure and prevent the proliferation of nuclear weapons, material, technology and expertise, as well as cooperative confidence-building programs that pursue arms control and disarmament measures, and re-prioritize budgetary allocations accordingly.

NON-NUCLEAR-WEAPON STATES AND ALLIES OF NUCLEAR-WEAPON STATES

- Pursue ethical investment schemes to ensure that public funds are divested from companies involved in unethical practices, including the manufacture of nuclear weapons, or their components.
- Draw attention to the economic dimensions of the global nuclear weapons complex and call on NWS and nuclear-sharing States to redirect nuclear weapons expenditure to meeting crucial development and environmental objectives.

9. LAWS AND NORMS: TOWARD NON-USE AND PROHIBITION

NUCLEAR WEAPON-POSSESSING STATES

- Call on your government to commit to and strengthen the norm of non-use of nuclear weapons.
- Explore possibilities for adopting a policy of “sole purpose” as a starting point for negotiations for the global prohibition of nuclear weapons.
- Raise in parliament, through hearings, debates or studies, the issue of the humanitarian consequences of any use of nuclear weapons and the incompatibility of any use of nuclear weapons with international humanitarian law, and thus the imperative to seek alternatives to nuclear weapons in security doctrines.

NON-NUCLEAR-WEAPON STATES

- Explore, initiate, and/or support legislation that would prohibit nuclear weapons, including – but not limited to – the prohibition of the manufacture, acquisition, possession or control over nuclear weapons, as well as their stationing, storage or transport within territorial boundaries.

- Examine the possibilities of including in such legislation *extra-territoriality* (prohibitions applicable to actions by nationals of the country committed anywhere in the world) and *universality* (prohibitions applicable to anyone regardless of their nationality or where the acts were committed).
- Adopt resolutions in your parliament recognizing the catastrophic humanitarian consequences of any use of nuclear weapons and affirming the incompatibility of international humanitarian law with nuclear weapons, and the illegality of their use (and possibly threat of use and possession).

10. NEGOTIATIONS FOR A NUCLEAR WEAPONS TREATY OR FRAMEWORK OF AGREEMENTS

ALL STATES

- Submit resolutions or motions in your parliament supporting the UNSG's Five-Point Proposal, in particular his proposal for negotiations on a Nuclear Weapons Convention or package of instruments.
- Promote the UNSG's Five-Point Proposal and Model NWC in international parliamentary bodies;
- Submit to your parliament the Model NWC and the UNSG's Five-Point Proposal for nuclear disarmament and call for hearings on a Nuclear Weapons Convention.

11. DEVELOPING MECHANISMS AND INSTITUTIONS FOR NUCLEAR DISARMAMENT

ALL STATES

- Explore the possibilities of establishing in your parliament a body with a mandate to review the government's progress on furthering nuclear non-proliferation and disarmament, track developments at the international level and discuss key issues.
- Work with your government to create an independent institution tasked with articulating and proposing measures to promote nuclear

non-proliferation and disarmament at the national and international levels.

- Call on your government to engage with existing international disarmament institutions, work to further bolster them where needed, and explore options to create additional institutions with specific disarmament mandates.
- Request that parliamentarians be included in your country's national delegation to major conferences on nuclear non-proliferation and disarmament.
- Engage actively in parliamentary diplomacy and attend relevant meetings convened by the IPU, PNND and regional and other parliamentary organizations.

12. DISARMAMENT EDUCATION

ALL STATES

- Review and follow up recommendations made in the UN *Study on Disarmament and Non-Proliferation Education*.
- Ask your government whether it has informed the United Nations of steps taken to implement the recommendations of the Study.
- Pursue programmes and policies aimed at promoting research and education on disarmament;
- Organize screenings of films on disarmament and non-proliferation in your parliament.
- Hold commemorative events in your parliaments on relevant International Days, especially 29 August (International Day against Nuclear Tests), 21 September (International Day of Peace), 2 October (International Day of Non-Violence), 24 October (United Nations Day) and 6 November (International Day for Preventing the Exploitation of the Environment in War and Armed Conflict). See www.un.org/en/events/observances/days.

ANNEX II: IPU resolution

Advancing nuclear non-proliferation and disarmament and securing the entry into force of the Comprehensive Nuclear- Test-Ban-Treaty: The role of parliaments

Resolution adopted by consensus* by the 120th IPU Assembly
(Addis Ababa, 10 April 2009)

The 120th Assembly of the Inter-Parliamentary Union,

Determined to advance nuclear disarmament and non-proliferation with a view to strengthening international peace and security in accordance with the principles of the Charter of the United Nations, and *underscoring* that substantial progress in the field of nuclear disarmament requires active support and dedicated contributions by all States,

Deeply concerned that the existence in the world of some 26,000 nuclear weapons, whose use can have devastating human, environmental and economic consequences, constitutes a threat to international peace and security,

Reaffirming the obligations of nuclear-weapon States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) towards nuclear disarmament and their unequivocal undertakings under the 1995 and 2000 NPT Review Conferences in this regard,

Recalling past IPU resolutions designed to advance the progress of non-proliferation and disarmament and to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), in particular the one adopted by the 101st Inter-Parliamentary Conference (Brussels, April 1999),

Reaffirming the crucial importance of the NPT as the cornerstone of the nuclear non-proliferation and disarmament regime, which sets out legal obligations in these fields at the same time as it guarantees the right to develop nuclear energy for peaceful purposes,

Recalling international conventions and resolutions adopted by the UN Security Council and the IPU on the right to access nuclear technology for peaceful purposes,

Concerned that non-compliance with all provisions of the NPT by some States has undermined the three pillars of the NPT and eroded the benefits derived by all States,

Considering the importance of all States ensuring strict compliance with their nuclear non-proliferation and disarmament obligations,

Recognizing the progress made under the NPT and the resulting safeguards agreements, and *urging* the nuclear-weapon States to fully implement the commitments they undertook during the NPT Review Conferences in 1995 and 2000,

Concerned that, in spite of tireless efforts made by the international community for forty years to ban nuclear explosions in all environments, and thirteen years after it was opened for signature, the CTBT has yet to enter into force,

Convinced that the verified cessation of nuclear-weapon-test explosions or any other nuclear explosions constitutes an effective disarmament and non-proliferation measure and is a meaningful preliminary step towards nuclear disarmament, but *stressing* that the only way to remove the threat of nuclear weapons is the total elimination of such inhumane weapons,

Stressing that a universal and effectively verifiable CTBT constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation,

Underscoring the crucial role of the International Atomic Energy Agency (IAEA) in promoting nuclear cooperation, the transfer of nuclear technology for peaceful purposes to developing countries, and nuclear non-proliferation, and the need for every State to adopt the non-proliferation safeguards standard of a comprehensive safeguards agreement combined with an additional protocol,

Disappointed that after over a decade, the Conference on Disarmament, the UN multilateral disarmament negotiation body, has yet to agree on a programme of work and resume its important mandate, owing to the divergent views on disarmament negotiation priorities,

Considering the important role played by bilateral disarmament treaties, such as the Strategic Arms Reduction Treaty, *welcoming* the cuts made by some nuclear-weapon States to their nuclear arsenals and *urging* deeper, faster and irreversible cuts to all types of nuclear weapons by all nuclear-armed States,

Convinced that the best way to guarantee world peace and stability is to take effective measures for international security, including disarmament and the non-proliferation of nuclear weapons,

Recognizing the benefits of confidence-building measures, such as the de-emphasizing of nuclear weapons in national security doctrines and the removal of nuclear weapons systems from high alert status, and *mindful* of the mutual confidence engendered by freely agreed regional nuclear-weapon-free zones, such as those in the South Pacific, Africa, South-East Asia and Latin America,

Underscoring the importance of establishing a nuclear-weapon-free zone in the Middle East, without exception,

Deeply concerned by the risk of accidental or unauthorized use of nuclear weapons and by the resulting toll in human life, environmental damage, political tensions, economic loss and market instability,

Pledging to bring about fuller parliamentary involvement in the disarmament process, particularly in respect of nuclear weapons, in the form of greater pressure on governments and detailed scrutiny of military budgets and procurement programmes allocated for nuclear weapons development,

Mindful of the fact that national defence policies should not compromise the fundamental principle of undiminished security for all, and thus *recalling* that any unilateral deployment or build-up of strategic anti-ballistic missile assets affecting the deterrent capacity of nuclear-weapon States might hinder the process of nuclear disarmament,

1. *Calls on* all nuclear-armed States to make deeper, faster and irreversible cuts to all types of nuclear weapons;
2. *Urges* all States to redouble their efforts to prevent and combat the proliferation of nuclear and other weapons of mass destruction in accordance with international law;

3. *Underscores* the vital role of the CTBT as part of a framework for achieving nuclear non-proliferation and disarmament, and *expresses disappointment* that, thirteen years after it was opened for signature, the Treaty has yet to enter into force;
4. *Stresses* the vital importance and urgency of signature and ratification, without delay and without conditions, to achieve the earliest entry into force of the CTBT;
5. *Welcomes* the signatures/ratifications of the CTBT in 2008 by Barbados, Burundi, Colombia, Lebanon, Malawi, Malaysia, Mozambique and Timor-Leste;
6. *Calls upon* the parliaments of all States that have not yet signed and ratified the CTBT to exert pressure on their governments to do so;
7. *Especially urges* parliaments of all remaining States listed in Annex 2 of the CTBT, whose ratification is required to bring the treaty into force, to urge their governments to immediately sign and ratify the treaty;
8. *Calls on* all nuclear-armed States to continue to observe their moratoria on nuclear-weapon testing, on all States that have not already done so to proceed, on a voluntary basis, to dismantle their nuclear test sites, and on all States to maintain support for the CTBT Organization verification system until the CTBT enters into force;
9. *Urges* immediate commencement of negotiations on a non-discriminatory, multilateral and internationally verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices;
10. *Invites* States to initiate negotiations with a view to concluding a treaty on the prohibition of short-range and intermediate-range land missiles that carry nuclear warheads;
11. *Recommends* that States with ballistic missile capacity that have not acceded to the Hague Code of Conduct do so quickly in order to render this instrument completely effective against ballistic missile proliferation;

12. *Calls on* all nuclear-armed States to adopt confidence-building measures, including the de-emphasizing of nuclear weapons in national security doctrines and the removal of all nuclear weapons from high alert status;
13. *Reaffirms* the importance of achieving universal accession to the NPT, and of States not party to the NPT acceding to it promptly and unconditionally as non-nuclear-weapon States, and of all States party to the NPT fulfilling their obligations under the Treaty;
14. *Is hopeful* that the States concerned will be required to sign and comply with safeguards agreements and additional protocols, in particular those concluded in the framework of the IAEA, as a prerequisite for benefiting from international cooperation in the field of nuclear energy for civilian purposes;
15. *Calls on* all States to support the initiatives aimed at globalizing the obligations set forth in the Treaty signed between the United States and the former Soviet Union on the elimination of their intermediate-range and shorter-range missiles (INF Treaty) and to promote cooperative approaches to the issue of missile defence, beginning with a joint assessment of possible threats;
16. *Calls on* national parliaments to ensure State compliance with all their disarmament and non-proliferation obligations;
17. *Urges* parliaments to provide strong and effective support to all resolutions and recommendations on peace, disarmament and security previously adopted at IPU Conferences and Assemblies;
18. *Encourages* parliaments to monitor closely national implementation of all arms control, non-proliferation and disarmament treaties and UN resolutions, to engage their publics on nuclear issues and to report back to the IPU on progress made;
19. *Urges* IAEA Member States or parties to a safeguards agreement to lend strong and constant support to the IAEA so that it can honour its safeguards obligations and therefore to cooperate in good faith with the IAEA by providing it with all information requested;
20. *Calls on* States whose ratification is needed for the entry into force of general safeguards agreements to take the necessary steps to that end as soon as possible;

21. *Further calls on* the States party to a safeguards agreement which have not yet signed and/or ratified an additional protocol to do so as soon as possible;
22. *Recommends* that the United Nations, especially the Office of Disarmament Affairs, and the Preparatory Commission for the CTBT Organization, strengthen cooperation with the IPU;
23. *Invites* the IPU Secretary General to contact, on an annual basis, the parliaments of the States which have not signed and/or ratified the international treaties mentioned in the present resolution with a view to encouraging them to do so;
24. *Urges* parliaments to instruct governments to express their support for the UN Secretary-General's Five-Point Proposal contained in his address, "The United Nations and Security in a Nuclear-Weapon-Free World";
25. *Encourages* parliaments to support the full ratification and implementation of existing nuclear-weapon-free zones, and to explore the possibility of establishing additional nuclear-weapon-free zones freely agreed by States in specific regions;
26. *Calls for* the necessary steps to be taken to declare the Middle East a nuclear-weapon-free zone, without exception, in keeping with the resolution endorsed by the NPT Review Conference in 1995;
27. *Encourages* all parliaments to remain seized of the issue at the highest political level and, where possible, to promote compliance with the NPT through bilateral and joint outreach, seminars and other means.

* The following delegations expressed reservations on parts of the resolution:

- China - operative paragraphs 10, 11 and 15;
- India - preambular paragraphs 4, 5, 7, 10 and 12 and operative paragraphs 3, 4, 6, 7, 8 and 13;
- Iran (Islamic Republic of) - preambular paragraph 18 and operative paragraphs 6, 10, 21 and 26;
- Pakistan - preambular paragraphs 7 and 13 and operative paragraphs 13, 14, 16, 17, 18 and 23.

ANNEX III: UN Secretary-General's Five-Point Proposal on Nuclear Disarmament

[From an address to the East-West Institute, entitled “The United Nations and Security in a Nuclear-Weapon-Free World,” 24 October 2008]

First, I urge all NPT parties, in particular the nuclear-weapon-states, to fulfil their obligation under the treaty to undertake negotiations on effective measures leading to nuclear disarmament.

They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations. Upon the request of Costa Rica and Malaysia, I have circulated to all UN member states a draft of such a convention, which offers a good point of departure.

The nuclear powers should actively engage with other states on this issue at the Conference on Disarmament in Geneva, the world's single multilateral disarmament negotiating forum. The world would also welcome a resumption of bilateral negotiations between the United States and Russian Federation aimed at deep and verifiable reductions of their respective arsenals.

Governments should also invest more in verification research and development. The United Kingdom's proposal to host a conference of nuclear-weapon states on verification is a concrete step in the right direction.

Second, the Security Council's permanent members should commence discussions, perhaps within its Military Staff Committee, on security issues in the nuclear disarmament process. They could unambiguously assure non-nuclear-weapon states that they will not be the subject of the use or threat of use of nuclear weapons. The Council could also convene a summit on nuclear disarmament. Non-NPT states should freeze their

own nuclear-weapon capabilities and make their own disarmament commitments.

My third initiative relates to the “rule of law.” Unilateral moratoria on nuclear tests and the production of fissile materials can go only so far. We need new efforts to bring the CTBT into force, and for the Conference on Disarmament to begin negotiations on a fissile material treaty immediately, without preconditions. I support the entry into force of the Central Asian and African nuclear-weapon-free zone treaties. I encourage the nuclear-weapon states to ratify all the protocols to the nuclear-weapon-free zone treaties. I strongly support efforts to establish such a zone in the Middle East. And I urge all NPT parties to conclude their safeguards agreements with the IAEA, and to voluntarily adopt the strengthened safeguards under the Additional Protocol. We should never forget that the nuclear fuel cycle is more than an issue involving energy or non-proliferation; its fate will also shape prospects for disarmament.

My fourth proposal concerns accountability and transparency. The nuclear-weapon states often circulate descriptions of what they are doing to pursue these goals, yet these accounts seldom reach the public. I invite the nuclear-weapon states to send such material to the UN Secretariat, and to encourage its wider dissemination. The nuclear powers could also expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievements. The lack of an authoritative estimate of the total number of nuclear weapons testifies to the need for greater transparency.

Fifth and finally, a number of complementary measures are needed. These include the elimination of other types of WMD; new efforts against WMD terrorism; limits on the production and trade in conventional arms; and new weapons bans, including of missiles and space weapons. The General Assembly could also take up the recommendation of the Blix Commission for a “World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction”.

Some doubt that the problem of WMD terrorism can ever be solved. But if there is real, verified progress in disarmament, the ability to eliminate this threat will grow exponentially. It will be much easier to encourage governments to tighten relevant controls if a basic, global taboo exists on the very possession of certain types of weapons. As we progressively eliminate the world's deadliest weapons and their components, we will

make it harder to execute WMD terrorist attacks. And if our efforts also manage to address the social, economic, cultural, and political conditions that aggravate terrorist threats, so much the better.

ANNEX IV:

Letter from UN Secretary-General Ban Ki-moon to the Presidents/ Speakers of all Parliaments

UNITED NATIONS



NATIONS UNIES

THE SECRETARY-GENERAL

24 February 2010

Dear Mr./Madam ...,

We stand at a watershed moment for the achievement of international security through a world free of nuclear weapons. For several years now, momentum has been building towards this goal, due in no small part to the diligent efforts of civil society and parliamentarians.

I have tried to do my part to revitalize the peace and disarmament agenda. In October 2008, I presented a five-point proposal for nuclear disarmament. Greatly encouraged by the support that has been expressed for my initiative, I welcomed, in particular, the call by the Inter-Parliamentary Union in April 2009 for parliaments to instruct their Governments to support this proposal. I salute the Parliamentary Network for Nuclear Non-Proliferation and Disarmament for its related efforts and for its work towards building support for a nuclear weapon convention.

Since 2008, we have seen progress. The Russian Federation and the United States have negotiated on further reductions of their strategic nuclear arsenals. The Security Council held a historic summit on nuclear disarmament and non-proliferation. Treaties establishing nuclear-weapon-free zones have entered into force in Africa and Central Asia. Calls for global nuclear disarmament have emanated from many quarters and detailed plans have been proposed containing practical ideas to achieve the goal of global zero.

In order to sustain this momentum ahead of the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, I have proposed an Action Plan on Nuclear Disarmament and Non-Proliferation. My plan is founded on a fundamental principle: nuclear disarmament and nuclear non-proliferation are mutually reinforcing and inseparable. In my action plan, I promised to explore ways to encourage greater involvement by civil society and parliamentarians.

Parliamentarians and parliaments play a key role in the success of disarmament and non-proliferation efforts. Parliaments support the implementation of treaties and global agreements contributing to the rule of law and promoting adherence to commitments.

They adopt legislation that increases transparency and accountability, thus building trust, facilitating verification and creating conditions that are conducive to the further pursuit of disarmament.

At a time when the international community is facing unprecedented global challenges, parliamentarians can take on leading roles in ensuring sustainable global security, while reducing the diversion of precious resources from human needs. As parliaments set the fiscal priorities for their respective countries, they can determine how much to invest in the pursuit of peace and cooperative security. Towards this end, parliaments can establish the institutional infrastructures to support the development of necessary practical measures.

I would therefore like to take this opportunity to encourage all parliamentarians to join in efforts to achieve a nuclear-weapon-free world. In particular, I call upon parliamentarians to increase their support for peace and disarmament, to bring disarmament and non-proliferation treaties into force, and to start work now on the legislative agendas needed to achieve and sustain the objective of nuclear disarmament.

I look forward to opportunities to work with you to advance global nuclear disarmament and non-proliferation.

Yours sincerely,
BAN Ki-moon

ANNEX V:

Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons (July 1996)

The Court handed down its Advisory Opinion on the request made by the General Assembly of the United Nations on the question concerning the Legality of the Threat or Use of Nuclear Weapons. The final paragraph of the Opinion reads as follows:

“For these reasons,

THE COURT

By thirteen votes to one,

Decides to comply with the request for an advisory opinion;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: *Judge* Oda.

(2) *Replies* in the following manner to the question put by the General Assembly:

A. Unanimously,

There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;

B. By eleven votes to three,

There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such;

IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: *Judges* Shahabuddeen, Weeramantry, Koroma.

C. Unanimously,

A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;

D. Unanimously,

A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;

E. By seven votes to seven, by the President's casting vote,

It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;

IN FAVOUR: *President* Bedjaoui; *Judges* Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo;

AGAINST: *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.

F. Unanimously,

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”.

The Court was composed as follows: *President* Bedjaoui, *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins; *Registrar* Valencia-Ospina.

President Bedjaoui, *Judges* Herczegh, Shi, Vereshchetin and Ferrari Bravo appended declarations to the Advisory Opinion of the Court; *Judges* Guillaume, Ranjeva and Fleischhauer appended separate opinions; *Vice-President* Schwebel, *Judges* Oda Shahabuddeen, Weeramantry, Koroma and Higgins appended dissenting opinions.

ANNEX VI: Council of Delegates of the International Red Cross and Red Crescent Resolution: *Working towards the elimination of nuclear weapons*

Resolution adopted by the 2011 Council of Delegates of the ICRC
(Geneva, 26 November 2011)

The Council of Delegates,

deeply concerned about the destructive power of nuclear weapons, the unspeakable human suffering they cause, the difficulty of controlling their effects in space and time, the threat they pose to the environment and to future generations and the risks of escalation they create,

concerned also by the continued retention of tens of thousands of nuclear warheads, the proliferation of such weapons and the constant risk that they could again be used,

disturbed by the serious implications of any use of nuclear weapons for humanitarian assistance activities and food production over wide areas of the world,

believing that the existence of nuclear weapons raises profound questions about the extent of suffering that humans are willing to inflict, or to permit, in warfare,

welcoming the renewed diplomatic efforts on nuclear disarmament, in particular the commitments made by States at the 2009 United Nations Security Council Summit on Nuclear Non-Proliferation and Nuclear Disarmament, the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms,

welcoming also the commitments made by States at the highest levels in the above fora to create the conditions for a world free of nuclear weapons through concrete actions in the fields of nuclear non-proliferation and nuclear disarmament,

recalling the 1996 advisory opinion of the International Court of Justice, which confirmed that the principles and rules of international humanitarian law apply to nuclear weapons and concluded that the threat or use of such weapons would generally be contrary to the principles and rules of international humanitarian law,

drawing upon the testimony of atomic bomb survivors, the experience of the Japan Red Cross and ICRC in assisting the victims of the atomic bomb blasts in Hiroshima and Nagasaki and the knowledge gained through the ongoing treatment of survivors by the Japanese Red Cross Atomic Bomb Survivors Hospitals,

bearing in mind the resolutions on weapons of mass destruction in general and the abolition of nuclear weapons in particular, adopted by the International Conferences of the Red Cross and Red Crescent in 1948, 1952, 1957, 1965, 1969, 1977 and 1981; the Council of Delegates in 2009; and the statements on nuclear weapons made by the President of the International Committee of the Red Cross to the Geneva diplomatic corps in April 2010 and by the President of the International Federation of Red Cross and Red Crescent Societies to Nobel Laureates in Hiroshima in November 2010,

convinced that the Red Cross and Red Crescent Movement has an historic and important role to play in efforts to create the conditions for a world without nuclear weapons,

1. emphasizes the incalculable human suffering that can be expected to result from any use of nuclear weapons, the lack of any adequate humanitarian response capacity and the absolute imperative to prevent such use,
2. finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law, in particular the rules of distinction, precaution and proportionality,
3. appeals to all States:
 - to ensure that nuclear weapons are never again used, regardless of their views on the legality of such weapons,

- to pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement, based on existing commitments and international obligations,
4. calls on all components of the Movement, utilising the framework of humanitarian diplomacy:
- to engage, to the extent possible, in activities to raise awareness among the public, scientists, health professionals and decision-makers of the catastrophic humanitarian consequences of any use of nuclear weapons, the international humanitarian law issues that arise from such use and the need for concrete actions leading to the prohibition of use and elimination of such weapons,
 - to engage, to the extent possible, in continuous dialogue with governments and other relevant actors on the humanitarian and international humanitarian law issues associated with nuclear weapons and to disseminate the Movement position outlined in this resolution.

Resolution co-sponsors

International Committee of the Red Cross (ICRC)	Malaysian Red Crescent Society
Australian Red Cross	Micronesia Red Cross
Austrian Red Cross	Mozambique Red Cross
Azerbaijan Red Cross	Netherlands Red Cross
Belgian Red Cross	New Zealand Red Cross
Bulgarian Red Cross	Norwegian Red Cross
Canadian Red Cross	Palau Red Cross
Cook Islands Red Cross	Papua New Guinea Red Cross
Czech Red Cross	Philippine Red Cross
Danish Red Cross	Samoa Red Cross
Fiji Red Cross	Swedish Red Cross
Iranian Red Crescent	Swiss Red Cross
Japanese Red Cross Society	Tonga Red Cross
Jordan National Red Crescent Society	Trinidad and Tobago Red Cross
Kiribati Red Cross	Vanuatu Red Cross
Lebanese Red Cross	

ANNEX VII:

Model Nuclear Weapons Convention*

[Summary]

General Obligations

The model nuclear weapons convention (treaty) prohibits development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals in a series of phases over 15 years. The treaty also prohibits the production of weapons-usable fissile material and requires delivery vehicles to be destroyed or converted to make them non-nuclear capable.

Agency

An agency will be established to implement the treaty. It will be responsible for verification, ensuring compliance, and decision making, and will comprise a Conference of States Parties, an Executive Council and a Technical Secretariat.

Verification

Verification will include declarations and reports from States, routine inspections, challenge inspections, fixed on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing with other organizations, and citizen reporting (societal verification).

Whistleblower protection will be available to citizens reporting suspected violations of the Convention.

The Agency will establish an international monitoring system to gather information, and will make most of this information available through a registry. Information which may jeopardize commercial secrets or national security will be kept confidential.

Conflict Resolution

The treaty includes provisions for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. A legal dispute may be referred to the

International Court of Justice by mutual consent of States Parties. The Agency may request an advisory opinion from the ICJ on a legal dispute.

Compliance and Enforcement

The treaty provides incentives for compliance plus a series of graduated responses for non-compliance beginning with consultation and clarification, negotiation, and, if required, sanctions or recourse to the UN General Assembly and Security Council.

Individual responsibility

The obligations will apply to individuals as well as States. Procedures for the apprehension and fair trial of individuals accused of committing crimes under the treaty are provided for.

Phases for elimination

The treaty outlines a series of five phases for the elimination of nuclear weapons. Steps in these phases include gradual reductions in stockpiles, taking nuclear weapons off alert, removing weapons from deployment, removing nuclear warheads from their delivery vehicles, disabling the warheads, removing and disfiguring the “pits” and placing the fissile material under international control. In the initial phases the United States and Russia are required to make the deepest cuts in their nuclear arsenals.

Financing

The treaty obliges nuclear-weapon States to cover the costs of the elimination of their nuclear arsenals, but establishes an international fund to assist States which may have financial difficulties in meeting their obligations.

Nuclear Material and Nuclear Energy

The treaty prohibits the production of any fissionable or fusionable material which can be used to make a nuclear bomb, including plutonium and highly enriched uranium.

Low enriched uranium is permitted for nuclear energy, but the treaty includes an optional protocol which would establish a program of energy assistance for States Parties choosing not to develop nuclear energy or to phase out existing nuclear energy programs.

* Full document available in UN languages (Arabic, Chinese, English, French, Russian and Spanish) at: www.un.org/Docs/journal/asp/ws.asp?m=A/62/650.

ANNEX VIII:

High-level statements and reports supporting a nuclear-weapons-free world

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Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers. Gareth Evans, Yoriko Kawaguchi. Report of the International Commission on Nuclear Non-Proliferation and Disarmament, *2009.*

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- ²³ For full text of the resolution see Annex II of this Handbook.
- ²⁴ Final Document, p.20.
- ²⁵ Model Nuclear Weapons Convention: Convention on the Prohibition of the Development, Testing, Production, Stockpiling, Transfer, Use and Threat of Use of Nuclear Weapons and on Their Elimination, UN Doc A/C.1/52/7 (1997 original version) and UN Doc A/62/650 (2007 revised version).
- ²⁶ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document* ("Final Document"), Volume I, UN document NPT/CONF.2010/50, p. 20.
- ²⁷ See Inter-Action Council – comprising 20 former heads of government – supports Nuclear Weapons Convention, Abolition 2000 Updates, June 2011 at: http://www.abolition2000.org/?page_id=1753#1.

- ²⁸ See ‘Convene an international high-level conference to ban nuclear weapons, says Summit of Latin American Leaders, Abolition 2000 Updates, December 2011 at: <https://sites.google.com/site/abolitionupdates/december-2011/latin-american-leaders-say-convene-a-summit>.
- ²⁹ As at October 2012, date of publication of this Handbook.
- ³⁰ This includes impassioned speeches by the UNSG to the Conference on Disarmament and a high-level meeting held on 24 September 2010 on revitalizing the work of the Conference and taking forward multilateral disarmament negotiations, see UN Doc A/65/496, 14 October 2010, at: www.reachingcriticalwill.org/political/cd/2010/papers/part3/HLM-ChairSummary.pdf.
- ³¹ See draft UN resolution *Taking forward multilateral disarmament negotiations*, proposed by Austria, Mexico and Norway, A/C.1/66/L.21/Rev.1, at: www.reachingcriticalwill.org/political/1com/1com11/res/L21Rev1.pdf.
- ³² Sameer Kanal, “Risks Arising from Peacetime Nuclear Operations: A Report on a Presentation by Bruce Blair,” Nuclear Abolition Forum, Issue No. 1, 2011, available at: <http://www.abolitionforum.org/site/wp-content/uploads/2011/10/NAF-First-issue.online-version.pdf>.
- ³³ Matthew Bunn, Anthony Wier, and John P. Holdren, “Controlling Nuclear Warheads and Materials: A Report Card and Action Plan,” Project on Managing the Atom, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, 2007.
- ³⁴ Richard G. Lugar, “The Lugar Survey of Proliferation Threats and Responses,” Office of Senator Lugar, Washington D.C., June 2005.
- ³⁵ O. B. Toon, R. P. Turco, A. Robock, C. Bardeen, L. Oman, and G. L. Stenchikov, “Atmospheric effects and societal consequences of regional scale nuclear conflicts and acts of individual nuclear terrorism,” *Atmospheric Chemistry and Physics*, Issue 7, 1973-2002, doi:10.5194/acp-7-1973-2007, 2007. See for a study of the linkages between climate change and nuclear security, J. Scheffran, “Climate Change, Nuclear Risks and Nuclear Disarmament: From Security Threats to Sustainable Peace,” World Future Council Report, 2011.
- ³⁶ *Ibid*, p. 19.
- ³⁷ The Vancouver Declaration, “Law’s Imperative for a Nuclear-Weapon-Free World,” adopted on 11 February 2011, at: <http://www.thesimonsfoundation.ca/resources/vancouver-declaration-law%E2%80%99s-imperative-urgent-achievement-nuclear-weapon-free-world>.

- ³⁸ 2011 Council of Delegates of the International Red Cross and Red Crescent Movement, Resolution 1, adopted on 26 November 2011.
- ³⁹ George P. Shultz, Henry A. Kissinger, William J. Perry, Sam Nunn, “A world free of nuclear weapons,” *Wall Street Journal*, 4 January 2007.
- ⁴⁰ The Rome Declaration of Nobel Peace Laureates, 7th Summit of Nobel Peace Laureates, Rome, Nov. 2006.
- ⁴¹ Bruce G. Blair, Matthew A. Brown, “Nuclear Weapons Cost Study,” Global Zero Technical Report, June 2011, at: <http://www.globalzero.org/files/scott/Global%20Zero%20Cost%20Study%2C%20June%202011.pdf>.
- ⁴² Letter from the United Nations Secretary-General to all parliaments, 24 February 2010, at: http://www.gsinstitute.org/pnnd/docs/UNSG_Eng.pdf.
- ⁴³ Final Document, p. 20.
- ⁴⁴ NPT, Article VI.
- ⁴⁵ Some would argue that the obligation not to acquire nuclear weapons is restricted to the Parties to the NPT. Others would argue that the norm of non-proliferation does not rely solely on the NPT, but has developed to become a customary norm thus applying to all non-NWS.
- ⁴⁶ For full text of the resolution see Annex II of this Handbook.
- ⁴⁷ Final Document, p. 21.
- ⁴⁸ The INF Treaty is available at <http://www.state.gov/www/global/arms/treaties/inf1.html>. Initially, the ban on Intermediate Range Forces applied only to US and Soviet forces, but after the collapse of the Soviet Union, the treaty’s membership expanded in 1991 to include successor states, Belarus, Kazakhstan, and Ukraine. Turkmenistan and Uzbekistan owned INF facilities but abstain from treaty meetings with the consent of the other States Parties.
- ⁴⁹ States Parties’ rights to conduct on-site inspections under the treaty ended on May 31, 2001, but the use of surveillance satellites for data collection continues. The treaty is of unlimited duration, and thus States Parties can convene the Special Verification Commission – the implementing body for the treaty – at any time, which continues to happen today.
- ⁵⁰ For full text of the resolution see Annex II of this Handbook.
- ⁵¹ START I is available at <http://www.state.gov/www/global/arms/starthtml/start/toc.html>.

- ⁵² The breakup of the Soviet Union delayed the treaty's entry into force nearly three and a half years. Yet, both the US and the USSR had begun eliminating their strategic nuclear forces and heavy bombers well in advance of the anticipated entry of force date.
- ⁵³ START I also required Belarus, Kazakhstan, and Ukraine to eliminate all of their strategic offensive arms.
- ⁵⁴ Specifically, both the US and the USSR pushed for verification techniques that allowed each government to gain access to designated bases and observe the other country's nuclear missile programmes.
- ⁵⁵ START I expired on 5 December 2009.
- ⁵⁶ The Strategic Defence and Security Review is available at: http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf?CID=PDF&PLA=furl&CRE=sdsr.
- ⁵⁷ New START is available at: <http://www.state.gov/documents/organization/140035.pdf>.
- ⁵⁸ New START replaced the 1991 START I, which expired in December 2009, and superseded the 2002 Strategic Offensive Reductions Treaty (SORT), which terminated when New START entered into force.
- ⁵⁹ An excellent article-by-article analysis, provided by the US Department of State, is available at: <http://www.state.gov/documents/organization/142041.pdf>.
- ⁶⁰ The State Duma's ratification statements says that "questions concerning potential reductions and limitations of non-strategic nuclear arms must be considered in a complex of other problems of arms control, including deployment of a ballistic missile defence system, plans for creation and deployment of strategic delivery vehicles armed with non-nuclear weapons, [and] a risk of space militarization, as well as existing quantitative and qualitative disparity in conventional arms, on the basis of necessity to maintain strategic stability and strict observance of a principle of equal and indivisible security for all." Available at: http://ntc.duma.gov.ru/duma_na/asozd/asozd_text.php?nm=4764-5%20%C3%C4&dt=2011.
- ⁶¹ US tactical nuclear weapons in Europe, 2011, Robert S. Norris and Hans M. Kristensen, Bulletin of Atomic Scientists, 22 December 2010, at: <http://bos.sagepub.com/content/67/1/64.full.pdf+html>.
- ⁶² Pavel Podvig, "What to do about tactical nuclear weapons," Bulletin of Atomic Scientists, 25 February 2010, at: <http://www.thebulletin.org/web-edition/columnists/pavel-podvig/what-to-do-about-tactical-nuclear-weapons>.

- ⁶³ “Weapons of Terror: Freeing the world of Nuclear, Biological and Chemical Arms,” Commission on Weapons of Mass Destruction, 1 June 2006, P. 97, at: http://www.blixassociates.com/wp-content/uploads/2011/02/Weapons_of_Terror.pdf.
- ⁶⁴ *Ibid.*, p.98.
- ⁶⁵ “Report on Nuclear Weapons Proliferation in 2004,” Science and Technology Committee of the NATO Parliamentary Assembly, November 2004, at: <http://www.nato-pa.int/Default.asp?SHORTCUT491>.
- ⁶⁶ “US Non-Strategic Nuclear Weapons in Europe: A Fundamental NATO Debate,” NATO Parliamentary Assembly, Science and Technology Subcommittee, 15 November 2010, at: <http://www.nato-pa.int/default.asp?SHORTCUT=2083>.
- ⁶⁷ NPT, Article I, II.
- ⁶⁸ Susi Snyder, Wilbert van der Zeijden, “Withdrawal Issues What NATO countries say about the future of tactical nuclear weapons,” Pax Christi IKV, Netherlands, March 2011.
- ⁶⁹ Nuclear Posture Review Report, April 2010, US Department of Defense.
- ⁷⁰ The CTBT is available at: http://www.ctbto.org/fileadmin/content/treaty/treaty_text.pdf.
- ⁷¹ For full text of the resolution see Annex II of this Handbook.
- ⁷² See http://www.un.org/disarmament/content/news/indonesia_ctbt/.
- ⁷³ See “After passing test ban, RI asks US to follow,” Jakarta Post, 7 December 2011, at: <http://www.thejakartapost.com/news/2011/12/07/after-passing-test-ban-ri-asks-us-follow.html>.
- ⁷⁴ See “Indonesia deposits instrument of ratification to the Comprehensive Nuclear-Test-Ban Treaty,” Press Release of the CTBTO, 6 February 2012, at http://www.un.org/disarmament/content/news/indonesia_ctbt/.
- ⁷⁵ See “Blix calls on United States to ratify CTBT,” Global Security Newswire, 8 November 2004, at: <http://www.nti.org/gsn/article/blix-calls-on-united-states-to-ratify-ctbt/>.
- ⁷⁶ In September 2009, Secretary of State Hillary Clinton declared at the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT Article XIV Conference) that the CTBT is “an integral part of our nonproliferation and arms control agenda” and indicated that the administration had begun working in earnest to secure

US Senate ratification of the treaty. In March 2011, the US National Security Advisor Tom Donilon indicated that the Obama administration is “committed to working with members of both parties in the Senate to ratify the CTBT, just as [with] New START.” He added that the Obama administration will stress a number of essential points as it makes its case to the Senate and the American people: “First, CTBT ratification serves America’s national security interests because it will help lead others to ratify the treaty and thus strengthen the legal and political barriers to a resumption of nuclear testing, which would fuel the nuclear build up in Asia. Second, more than a decade since the Senate last considered – and rejected – the CTBT, we are in a stronger position to effectively verify the Treaty through the global monitoring system set up under the Treaty and our own strengthened national capabilities.”

⁷⁷ More information on RECA is available at: <http://www.justice.gov/civil/common/reca.html>.

⁷⁸ Text of the law is available (in French) at: <http://www.assemblee-nationale.fr/13/ta/ta0308.asp>.

⁷⁹ See “Just cover your eyes – The toll of decades of nuclear tests in French Polynesia”, (translated from) *Le Monde*, 8 June 2012, at: <http://worldcrunch.com/node/5536>.

⁸⁰ For full text of the resolution see Annex II of this Handbook.

⁸¹ See “*Global Fissile Material Report 2011: Nuclear Weapon and Fissile Material Stockpiles and Production*,” *International Panel on Fissile Materials, January 2012*, at: <http://fissilematerials.org/library/gfmr11.pdf>.

⁸² More information on the Global Partnership is available at: <http://www.g8-g20.com/g8-g20/g8/english/-fiches/the-global-partnership-against-the-spread-of.884.html>.

⁸³ UN General Assembly resolution 1148 of November 1957, at: <http://fissilematerials.org/library/unga4875.pdf>.

⁸⁴ UN General Assembly resolution 48/75L, December 1993, at: www.ipfmlibrary.org/unga4875.pdf.

⁸⁵ More information is available at: <http://www.state.gov/t/isn/58381.htm>.

⁸⁶ The Nunn-Lugar Act was part of a piece of legislation, entitled “The Soviet Nuclear Threat Reduction Act of 1991,” which stemmed from an agreement between Soviet Union President Mikhail Gorbachev and United States President George H. Bush on working together to dispose, dismantle and destruct nuclear weapons in the USSR.

⁸⁷ A scorecard on achievements of the Nunn-Lugar Program is available at: <http://lugar.senate.gov/nunnlugar/scorecard.html>.

⁸⁸ E.g. From 2004 to 2007, it helped Albania destroy a newly discovered chemical weapons stockpile. In 2010, Senator Lugar took a mission to East Africa to help secure deadly biological diseases that could be used in bioterrorism and destroy lethal armaments.

⁸⁹ Richard Lugar, Speech on the “Future of US-Russian Cooperation on Arms Control,” Carnegie Moscow Center, 28 August 2007, at: http://www.carnegieendowment.org/files/senator_lugar_speech.pdf.

⁹⁰ Matthew Bunn, Anthony Wier, and John P. Holdren, “Controlling Nuclear Warheads and Materials: A Report Card and Action Plan,” Project on Managing the Atom, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University, 2007.

⁹¹ See note 34.

⁹² Sam Nunn, Remarks made during a screening of “Nuclear Tipping Point” at the White House, 6 April 2010, at <http://www.nti.org/newsroom/news/white-house-screening-nuclear-tipping-point/>.

⁹³ More information on UN Security Council resolution 1540 of 28 April 2004 is available at: <http://www.un.org/en/sc/1540/>.

⁹⁴ The Nuclear Terrorism Convention is available at <http://treaties.un.org/doc/db/Terrorism/english-18-15.pdf>.

⁹⁵ Article 8, Nuclear Terrorism Convention.

⁹⁶ Our emphasis.

⁹⁷ New Zealand’s Report to the UNSCR 1540 Committee, 29 October 2004, p. 2, at: http://www.nti.org/media/pdfs/new-zealand-1540-initial-report.pdf?_=1317044217 (our emphasis).

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*, p.10.

¹⁰⁰ Romeo Dallaire, Address to the Canadian Senate on the Second Reading of Bill S-9, 17 May 2012, at: http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/081db_2012-05-17-e.htm.

¹⁰¹ *Ibid.*

¹⁰² “Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers,” International Commission for Nuclear Non-proliferation and Disarmament, November 2009, at: <http://icnnd.org/Reference/reports/ent/index.html>.

- ¹⁰³ Letter to President Barack Obama, Ed Markey, November 16, 2009, at <http://www.gsinstitute.org/pnnd/docs/11.16.09nuclearposturereview.pdf>.
- ¹⁰⁴ NPR, p. ix.
- ¹⁰⁵ “Report of the Informal Group on Prime Minister Rajiv Gandhi’s Action Plan for a Nuclear-Weapons-Free and Nonviolent World Order 1988,” 20 August, 2011, at: <http://www.gsinstitute.org/gsi/docs/RGAP.pdf>.
- ¹⁰⁶ “Active Engagement, Modern Defence: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization,” (NATO Strategic Concept) 20 November 2010, p. 23, at: http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf.
- ¹⁰⁷ *Ibid.*, p. 5.
- ¹⁰⁸ Report is available at: <http://www.nato-pa.int/default.asp?SHORTCUT=2083>.
- ¹⁰⁹ Report is available at: <http://www.nato-pa.int/default.asp?SHORTCUT=2437>.
- ¹¹⁰ Answer is available at: <http://www.gsinstitute.org/pnnd/updates/32.html#9>.
- ¹¹¹ *Ibid.*
- ¹¹² For full text of the resolution see Annex II of this Handbook.
- ¹¹³ Article VII, NPT: “Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.”
- ¹¹⁴ General Assembly resolution 3472 B (1975) defines a Nuclear-Weapon-Free Zone as “...any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby: (a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined; (b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.”
- ¹¹⁵ Treaty text is available at: <http://www.iaea.org/Publications/Documents/Treaties/tlatelolco.html>.
- ¹¹⁶ Treaty text is available at: <http://cns.miis.edu/inventory/pdfs/spnfz.pdf>.
- ¹¹⁷ Treaty text is available at: <http://cns.miis.edu/inventory/pdfs/seanwzf.pdf>.

- ¹¹⁸ Treaty text is available at: http://www.fas.org/programs/ssp/nukes/ArmsControl_NEW/nonproliferation/NFZ/NP-NFZ-CA-TXT.html.
- ¹¹⁹ Treaty text is available at: <http://cns.miis.edu/inventory/pdfs/aptanwfv.pdf>.
- ¹²⁰ Treaty text is available at: http://www.antarctica.ac.uk/about_antarctica/geopolitical/treaty/update_1959.php.
- ¹²¹ Treaty text is available at: <http://www.state.gov/www/global/arms/treaties/spacel.html>.
- ¹²² Treaty text is available at: <http://www.state.gov/www/global/arms/treaties/seabed1.html>.
- ¹²³ The Statement is available at: <http://nautilus.org/napsnet/napsnet-policy-forum/strategy-for-a-northeast-asia-nuclear-weapon-free-zone-as-a-step-to-common-security/#iii-statement-of-support>.
- ¹²⁴ “A World free of Nuclear Weapons: We are all responsible,” Speech by Holger Nielsen, Member of the Danish Parliament, at the Pugwash Conference on Nuclear Disarmament and Non-Proliferation, Copenhagen, 17 November 2008. A report on the symposium is available at: <http://www.pugwash.org/reports/nw/nptreport-dec08.pdf>.
- ¹²⁵ The Bill is available at: <http://www.parl.gc.ca/HousePublications/Publication.aspx?Docid=4960270&file=4>.
- ¹²⁶ See United Nations General Assembly Resolution 64/26 of 14 January 2010, at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/463/39/PDF/N0946339.pdf?OpenElement>.
- ¹²⁷ The Statement is available at: http://www.gsinsitute.org/pnnd/docs/MEWMDZ_2011.pdf.
- ¹²⁸ See “Obama Seeks Senate OK for Protocols to Two Nuclear-Weapon-Free Zone Treaties,” CNS Feature Stories, May 6, 2011, at: http://cns.miis.edu/stories/110506_obama_nwfv.htm.
- ¹²⁹ The other three zones do not explicitly rule out the transit of nuclear weapons by nuclear-weapon States through the zones, and the general practice of nuclear-weapon States is not to declare whether nuclear weapons are aboard their vessels.
- ¹³⁰ Patricia Lewis, “Verification Compliance, and Enforcement,” *Abolishing Nuclear Weapons: A Debate*, George Perkovich and James Acton (Editors), pp. 233 – 240, 2009, at: http://www.carnegieendowment.org/files/abolishing_nuclear_weapons_debate.pdf.

¹³¹ Final Document, p. 20.

¹³² Ibid.

¹³³ More information on the CMC is available at: <http://www.cmc.sandia.gov/>.

¹³⁴ See “The Cooperative Monitoring Center: The First Ten Years,” Arian Pregoner, July 2004, at: <http://www.cmc.sandia.gov/isn/jul04isn.pdf>.

¹³⁵ The Atomic Weapons Establishment is responsible for making, maintaining and dismantling the UK’s (Trident) nuclear warheads.

¹³⁶ See Garry J. George, Martin D. Ley, “Nuclear warhead arms control research at AWE,” *Verification Yearbook 2001*, pp. 189 – 206, 2001, at: http://www.vertic.org/media/Archived_Publications/Yearbooks/2001/VY01_George-Ley.pdf.

¹³⁷ More information on the CTBTO’s verification regime is available at: <http://www.ctbto.org/verification-regime/>.

¹³⁸ For full text of the resolution see Annex II of this Handbook.

¹³⁹ The Managed Access project looked into how non-authorized personnel of an inspecting party from a non-nuclear weapon State would be given access to sensitive facilities, or supervised areas of the host nuclear weapon State, under the terms of an agreed upon procedure. Fictitious exercises (a Familiarization Visit Exercise, followed by a Monitoring Visit Exercise) were successfully conducted between both countries, with VERTIC acting as an independent observer. These exercises emphasized the importance of controlling the movement of information, equipment and personnel across areas of differing security restrictions, as well as the need to improve on procedures sustaining such control.

¹⁴⁰ The Information Barrier project had the UK-Norwegian team of experts develop a tool that – in combination with other inspection techniques – could verify whether a nuclear warhead dismantlement process occurs in accordance with the host’s declaration. The purpose of the information barrier is to protect sensitive or proliferative measurement data from being released to the inspecting party. Essentially, for the verification system to succeed, both the inspecting – and host-party will need to have full trust and confidence in the operation of any proposed information barrier system.

¹⁴¹ See note 42.

¹⁴² These estimates encompass a wide variety of costs associated with nuclear weapons, including unpaid/deferred environmental and health costs, missile

defences assigned to defend against nuclear weapons, nuclear threat reduction and incident management. Conversely, government estimates generally only cover “core costs,” i.e. the maintenance of nuclear forces. Generally not included in either cost categories are air defences, anti-submarine warfare and nuclear-weapons related intelligence and surveillance expenses.

¹⁴³ “Don’t Bank on the Bomb,” released in March 2012, available at: <http://www.dontbankonthebomb.com>.

¹⁴⁴ See “More Light on Nuclear Budget Numbers,” Ploughshares Blog, 1 December 2011, at: <http://www.ploughshares.org/blog/2011-12-01/more-light-nuclear-budget-numbers>.

¹⁴⁵ See “Nuclear Posture Review Report [Reconstructed],” Hans M. Kristensen, Nuclear Information Project, 8 January 2002, at: http://www.fas.org/blog/ssp/ united_states/NPR2001re.pdf.

¹⁴⁶ See “Congress Cancels Funding for New Weapons Research,” David Ruppe, Global Security Newswire, 22 November 2004, at: <http://www.nti.org/gsn/article/congress-cancels-funding-for-new-weapons-research/>.

¹⁴⁷ See “To Super Committee: Freeze the Nukes, Fund the Future,” Press Release of the Office of Congressman Ed Markey, 11 October 2011, at: <http://markey.house.gov/press-release/oct-11-2011-super-committee-freeze-nukes-fund-future>.

¹⁴⁸ Ibid.

¹⁴⁹ See “Markey Introduces SANE Act to Cut Bloated Nuclear Weapons Budget,” Press Release of the Office of Congressman Ed Markey, 8 February 2012, at: <http://markey.house.gov/press-release/markey-introduces-sane-act-cut-bloated-nuclear-weapons-budget>. A copy of the Act is available at: https://fcnl.org/assets/issues/nuclear/Markey_SANE_HR3974.pdf.

¹⁵⁰ Ethical Guidelines for the Government Pension Fund – Global (“Ethical Guidelines”), Point 1, *adopted by the Ministry of Finance* on 19 November 2004; *replaced by* Guidelines for the observation and exclusion of companies from the Government Pension Fund - Global’s investment universe (“Ethical Guidelines”), *adopted by the Ministry of Finance* on 1 March 2010.

¹⁵¹ International Humanitarian Law recognizes these principles as being: 1) the *principle of proportionality*, which refers to weapons that through their normal use lead to unnecessary suffering or superfluous injury, and 2) the *principle of distinction*, which refers to weapons that do not distinguish between military objectives and civilians.

¹⁵² E.g. Belgium, Luxemburg and Ireland have adopted national measures to ban investment in cluster munitions. A 2007 European Parliament Resolution calls on EU countries to follow their lead in adopting national measures that fully ban the use, production, export, and stockpiling of cluster bombs. Australia, Denmark, the Netherlands, New Zealand and Switzerland are at various stages of undertaking parliamentary action on such investments. Similar legislative measures have been undertaken with regard to banning investment in landmines-producers.

¹⁵³ The Report from the Graver Committee, Graver Committee, 7 November 2003.

¹⁵⁴ Companies that have been excluded so far: BAE Systems Plc., Boeing Co., EADS Co. (including its subsidiary), EADS Finance B.V., Finmeccanica Sp.A., GenCorp Inc., Honeywell International Inc., Northrop Grumman Corp., United Technologies Corp., Safran SA, Serco Group Plc., United Technologies Corp. See Annual Report 2007, Council on Ethics for the Government Pension Fund – Global, 2007.

¹⁵⁵ See “Parliamentary Resolutions Supporting a Nuclear Weapons Convention,” Parliamentarians for Nuclear Non-proliferation and Disarmament, at: http://www.gs institute.org/pnnd/docs/NWC_parliamentary_resolutions.pdf.

¹⁵⁶ *Ibid.*

¹⁵⁷ For a summary of the ICJ’s Advisory Opinion see Annex V of this Handbook. Case documents are available at: <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=e1&p3=4&case=95>.

¹⁵⁸ For a summary of the ICJ’s Advisory Opinion see Annex V of this Handbook.

¹⁵⁹ *Ibid.*, p. 19.

¹⁶⁰ See note 37.

¹⁶¹ 2011 Council of Delegates of the International Red Cross and Red Crescent Movement, Resolution 1, adopted on 26 November 2011.

¹⁶² See “Norwegian Foreign Minister to Parliament: Nuclear weapons or the law?,” PNND Update 32, April 2012, at: <http://www.gs institute.org/pnnd/updates/32.html>.

¹⁶³ NPR, p. ix.

¹⁶⁴ See “Report of China on the Implementation of NPT,” 2005 NPT Review Conference, May 2005, at: http://www.china-un.org/eng/chinaandun/disarmament_armscontrol/npt/t196288.htm.

¹⁶⁵ NPR, p. vii.

¹⁶⁶ *Ibid.*, p. viii.

¹⁶⁷ *Ibid.*, p. ix.

¹⁶⁸ US, New Zealand sign strategic deal after nuclear row, *BBC News Asia-Pacific*, 4 November 2010.

¹⁶⁹ The Motion is available at: http://www.parliament.nz/en-NZ/PB/Debates/Debates/a/6/a/50HansD_20120531_00000008-Motions-Nuclear-Disarmament-Global-Support.htm.

¹⁷⁰ The Philippines Constitution is available at: <http://www.chanrobles.com/philsupremelaw2.html>.

¹⁷¹ See “Philippine Senate Votes to Reject U.S. Base Renewal,” *New York Times*, 16 September 1991, at: <http://www.nytimes.com/1991/09/16/world/philippine-senate-votes-to-reject-us-base-renewal.html?pagewanted=all&src=pm>.

¹⁷² Punsalmaagin Ochirbat, Address to the 47th UN General Assembly, UN Document A/47/PV.13, 25 September 1992.

¹⁷³ Mongolia’s work for international recognition of its nuclear weapon-free status yielded fruit in 1998 with the adoption by the 53rd UN General Assembly of Resolution 53/77 D, entitled “Mongolia’s international security and nuclear-weapon-free-status,” which stated the international community’s unanimous support for Mongolia’s efforts to strengthen regional stability and invited UN Member States to cooperate with Mongolia to ensure its international security and nuclear weapon-free status. Since then, every two years the UN General Assembly has adopted the same resolution (resolution 55/33 S, resolution 57/67, resolution 59/73, resolution 61/87 and resolution 63/56).

¹⁷⁴ This document was circulated at the 55th UN General Assembly, as UN Document A/55/56 S/2000/160.

¹⁷⁵ Comprehensive study of the question of nuclear-weapon-free zones in all its aspects, *Special report of the Conference of the Committee on Disarmament*, p. 41, UN Document A/10027/Add.1, 30th UN General Assembly, 8 October 1975 [underline added].

¹⁷⁶ Each treaty establishing a nuclear weapon-free zone includes a protocol for the five nuclear weapon States recognized under the NPT – China, France, Russian Federation, the United Kingdom, and the United States – to sign and ratify. These protocols, which are legally binding, call upon the nuclear

weapon States to respect the status of the zones and not to use or threaten to use nuclear weapons against treaty States Parties. Such declarations of non-use of nuclear weapons are referred to as negative security assurances.

¹⁷⁷ For full text of the resolution see Annex II of this Handbook. For the UNSG's Five-Point-Proposal see Annex III of this Handbook.

¹⁷⁸ The UNSG's Speech is available at <http://www.un.org/News/Press/docs/2008/sgsm11881.doc.htm>.

¹⁷⁹ For a summary of the Model Nuclear Weapons Convention see Annex VII of this Handbook.

¹⁸⁰ For a summary of the ICJ's Advisory Opinion see Annex V of this Handbook. Case documents are available at <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=e1&p3=4&case=95>.

¹⁸¹ See "30th Annual Plenary Meeting Final Communiqué," Inter-Action Council, 16 May 2012, at: <http://interactioncouncil.org/final-communique-44>.

¹⁸² See "Mayors for Peace 2020 Vision Campaign Progress Report 2012," 2012, at: http://www.2020visioncampaign.org/fileadmin/user_upload/2020VC/Home/Progress_Report/Progress_Report_2012__LQ__-_English.pdf <http://www.2020visioncampaign.org/>.

¹⁸³ See "Final Declaration 2010 World Summit of Nobel Peace Laureates," November 2010, at: <http://www.nobelforpeace-summits.org/final-declaration/>.

¹⁸⁴ More information is available at: <http://www.nuclearweaponsconvention.ca/>.

¹⁸⁵ See "Latin American Leaders Say Convene a Summit," Abolition 2000 Updates, December 2011, at: <https://sites.google.com/site/abolitionupdates/december-2011/latin-american-leaders-say-convene-a-summit>.

¹⁸⁶ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document* ("Final Document"), Volume I, UN document NPT/CONF.2010/50, p. 20.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Motion to Recognize the Danger Posed by the Proliferation of Nuclear Materials and Technology to Peace and Security*, Introduced to the Senate by Senator Hugh Segal, June 2, 2010, at <http://www.web.net/~cnanw/canadaconventionmotion.htm>.

¹⁸⁹ UN General Assembly resolutions 65/123 and 66/261, at <http://www.ipu.org/un-e/un-docs.htm#resolutions>.

¹⁹⁰ More information on the Act is available at <http://www.enotes.com/arms-control-disarmament-act-1961-amendments-reference/arms-control-disarmament-act-1961-amendments>.

¹⁹¹ More information on the Foreign Affairs Committee is available at: http://www.bundestag.de/htdocs_e/bundestag/committees/a03/index.html.

¹⁹² More information on PACDAC is available at <http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Disarmament/0-PACDAC/index.php>.

¹⁹³ See “Reports on Recent IPU Specialized Meetings, (c) Parliamentary Meeting on the Occasion of the UN Non-Proliferation Treaty Review Conference,” 123rd Assembly of the Inter-Parliamentary Union and Related Meetings, August 25, 2010, at [http://www.ipu.org/cnl-e/187/11\(c\)-r1.pdf](http://www.ipu.org/cnl-e/187/11(c)-r1.pdf).

¹⁹⁴ *UN Study on Disarmament and Non-Proliferation Education*, Report of the Secretary-General, 30 August 2002, (“UN Disarmament Education Study”) at: http://www.un.org/ga/search/view_doc.asp?symbol=A/57/124.

¹⁹⁵ UN General Assembly, Resolutions and Decisions adopted by the General Assembly during its Fifteenth Special Session, May 31 – June 25, 1988, at: http://www.un.org/ga/search/view_doc.asp?symbol=A/S-15/6&Lang=E.

¹⁹⁶ More information on the Congress is available at: <http://unesdoc.unesco.org/images/0003/000391/039164eb.pdf>.

¹⁹⁷ UN Disarmament Education Study, p. 16.

¹⁹⁸ *Ibid.*, p. 7.

¹⁹⁹ *Ibid.*, p. 12.

²⁰⁰ *Ibid.*, p. 16.

²⁰¹ *Ibid.*, p. 17.

²⁰² More information on DEUNIF is available at: <http://www.communitymatters.govt.nz/Funding-and-grants-Trust-and-fellowship-grants-Disarmament-Education-UN-Implementation-Fund>.

²⁰³ The official website of *Countdown to Zero* is available at: <http://countdowntozeroilm.com/>.

²⁰⁴ The official website of *In My Lifetime* is available at: <http://thenuclearworld.org/category/in-my-lifetime/>.

²⁰⁵ More information on the International Day against Nuclear Tests is available at: <http://www.un.org/en/events/againstnucleartestsday/>.

About the publishers

The Inter-Parliamentary Union (IPU), which was established in 1889, is the world organization of parliaments. It is a global forum for parliamentary dialogue, cooperation and action. It advances democracy and assists parliaments and parliamentarians throughout the world in fulfilling their mandates.

The IPU facilitates political parliamentary debate, dialogue and cooperation. It promotes and defends democracy and the rule of law. It develops standards, disseminates information on good practices and helps build parliamentary capacity and efficacy. It defends the human rights of members of parliament and promotes respect for universal values, norms and principles. It works in support of gender equality and the participation of women, minorities and indigenous peoples in political and public life. It assists parliaments in coping with a growing international agenda and in contributing a parliamentary dimension to the work of the United Nations and similar multilateral institutions.

The IPU shares the objectives of the United Nations and supports and works closely with UN agencies. It also cooperates with regional and other parliamentary organizations, as well as with international intergovernmental and non-governmental organizations (NGOs) motivated by the same ideals.

Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND) is a non-partisan network of over 800 parliamentarians in 75 countries working to prevent the proliferation of nuclear weapons and achieve their total elimination. It is dedicated to providing parliamentarians with up-to-date information on nuclear-weapon policies and helping them become engaged in nuclear non-proliferation and disarmament initiatives.

PNND members actively promote nuclear disarmament in their parliaments, among civil society, in the media and in international forums, including the IPU and the UN General Assembly. PNND helps parliamentarians connect with their colleagues in other parliaments and with diplomats and government officials, disarmament experts and civil society leaders globally.

As a cross-party network, PNND generally does not endorse specific policies.

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