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**ADVANCING NUCLEAR NON-PROLIFERATION AND DISARMAMENT,
AND SECURING THE ENTRY INTO FORCE OF THE COMPREHENSIVE
NUCLEAR-TEST-BAN TREATY: THE ROLE OF PARLIAMENTS**

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I. The current state of nuclear non-proliferation and disarmament

1. One of the main threats to international security remains the spread of nuclear weapons. In a *Wall Street Journal* article in early 2007, former US Secretary of State Henry Kissinger said that nuclear non-proliferation is the most important issue facing the world today. Unfortunately, international attention to the threat of nuclear weapons has waned since the end of the Cold War. This is despite nuclear weapon tests by three States; ongoing concerns over the risk of unverified nuclear programs; and the exposure of a nuclear black market. While there have been welcome reductions by nuclear-weapon States, there are still approximately 26,000 weapons in nuclear arsenals around the world.

2. The human, environmental and economic consequences of the use – accidental or otherwise – of just one of these weapons would be devastating. The most immediate effects would be the extensive loss of human lives, accompanied by similar levels of ongoing injuries, and the physical destruction of vital economic and industrial capacity. The nitric oxides produced by nuclear weapons could affect ozone levels, which in turn may produce dangerous changes in the Earth's climate and expose it to increased ultraviolet radiation from the sun. The conditions produced by nuclear fallout would interrupt plant photosynthesis and could thus destroy vegetation and animal life. It is imperative that such disastrous effects are prevented for the welfare of current and future occupants of the planet.

3. It is the responsibility of policymakers to identify the current weaknesses in the nuclear non-proliferation and disarmament regime and explore all avenues for achieving the ultimate goal of a nuclear weapons-free world.

The Nuclear Non-Proliferation Treaty (NPT)

4. The NPT is at the centre of regional and global security architectures, and is near universally accepted (with the significant exceptions of India, Pakistan and Israel). The NPT has successfully limited the spread of nuclear weapons and remains the only Treaty which binds nuclear weapons States to the eventual elimination of their nuclear arsenals.

5. The NPT rests on a three-way bargain. First, the five nuclear-weapon States (United States, Russian Federation, France, China, United Kingdom) and all other NPT parties have committed to work to reduce and ultimately eliminate nuclear weapons. Second, non-nuclear-weapon States forswear nuclear weapons and accept application of International Atomic Energy Agency (IAEA) safeguards on their nuclear fuel cycle activities to verify this commitment. Non-nuclear-weapon States also receive undertakings from all NPT parties on facilitating access to the peaceful uses of nuclear energy. Third, non-nuclear-weapon States give a commitment to their fellow non-nuclear-weapon States that they will not acquire or develop weapons. These three 'pillars' of the NPT – nuclear disarmament, non-proliferation and peaceful uses of nuclear energy – are fundamental and closely interrelated building blocks of the current nuclear regime.

6. Although the NPT has enjoyed considerable success, today it faces serious threats. Violations of the Treaty have led to questions about its effectiveness. Other factors prompting this perception include: the frequent charges that the nuclear-weapon States (NWS) have not lived up to their disarmament obligations; the emergence of a black market in enrichment technology and nuclear know-how (including the sale of nuclear weapon designs); and the impact on the Treaty of possible country-specific exceptions for States not party to the Treaty to the comprehensive safeguards standard for nuclear supply. As the cornerstone of the non-proliferation and disarmament regimes, it is in all States' interests that the NPT be strong enough to meet the challenges of the 21st century and to continue to provide security for NPT member States.

The Conference on Disarmament (CD)

7. The CD is the United Nations' disarmament Treaty negotiating body. The CD and its predecessors have negotiated major multilateral arms limitation and disarmament agreements including the NPT, the Biological and Chemical Weapons Conventions and the Comprehensive Nuclear Test Ban Treaty.

8. In March 1995, the CD agreed to establish an ad hoc Committee "to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices." Disappointingly, a start to negotiations on a Fissile Material Cut-off Treaty (FMCT) in the CD has been stymied by differences over the CD's work program.

9. Since that time the consensus-based CD has not been able to agree on plan of work. The six presidents of the 2007 CD session (CD presidents rotate throughout the year) proposed a draft programme of work that prioritised commencing negotiation of an FMCT without preconditions along with concurrent substantive talks on the prevention of an arms race in outer space, the provision of negative security assurances from nuclear weapon States to non-nuclear weapon States, and nuclear disarmament. A majority of CD parties supported this proposal, but consensus was blocked by a small minority of members. Prospects for a break in the CD deadlock – and consequently negotiations on a FMCT – are not promising.

Negotiating a Fissile Material Cut-off Treaty (FMCT)

10. Fissile material (highly enriched uranium and plutonium) is the central component to the manufacture of nuclear weapons. An FMCT would support both nuclear non-proliferation and disarmament efforts by placing a legally binding and verifiable cap on the production of fissile material for nuclear weapons, and thereby contributing to the environment of confidence necessary for further progress on both.

11. Ending the production of fissile material for nuclear weapons has been on the nuclear disarmament and non-proliferation agenda for decades. An FMCT would reinforce the NPT and formalise the moratoria on production of fissile material for nuclear weapons currently observed by the five recognised nuclear-weapon States (France, Russian Federation, United Kingdom, United States and China)¹. Furthermore, an FMCT would enable the extension of the cap on the production of fissile material for nuclear weapons to States outside the NPT.

12. As mentioned previously, there has as yet been no agreement on a negotiating framework on a FMCT within the CD. The six presidents of the 2008 CD have tabled a draft programme of work for the Conference that prioritises beginning negotiation of a FMCT without pre-conditions. An FMCT would be a practical step towards nuclear disarmament and has the broadest support of any putative disarmament agreement. Unfortunately a small minority of States have chosen to block this necessary initiative.

The Strategic Arms Reduction Treaty (START)

13. Under Article VI of the NPT, the parties to the Treaty undertook to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. The United States and the Russian Federation hold approximately 95 per cent of the world's nuclear weapons (Russian Federation holds approximately 15,000, the US approximately 10,000).

14. START was signed on 31 July 1991 and entered into force in December 1994. It was expanded to include Russian Federation, Belarus, Ukraine, and Kazakhstan in 1992, under the "Lisbon Protocol" following the dissolution of the USSR. START limits both sides to: 1,600 deployed intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers for each side; and 6,000 "accountable" warheads on ICBMs, SLBMs, and heavy bombers, of which no more than 4,900 may be on ICBMs and SLBMs, 1,540 on heavy missiles (the Soviet SS-18), and 1,100 on mobile ICBMs.

15. START contained a highly effective verification regime and was proposed as the beginning of a process towards total disarmament. START 2 was signed by the United States and the Russian Federation but never ratified by the Russian Federation. START is due to expire in December 2009.

16. The Strategic Offensive Reductions Treaty (SORT or the Moscow Treaty) was signed on 24 May 2002 and entered into force on 1 June 2003. SORT focuses on reductions in strategic nuclear warheads, rather than on "strategic offensive arms" (as START does) which traditionally have been considered to be delivery vehicles and launchers. The Treaty obligates the parties to reduce and limit their deployed strategic nuclear warheads so that by 31 December 2012 the aggregate number of such warheads does not exceed 1700-2200 for each party. SORT does not provide for sub-limits or interim reduction levels or require a Party to reach the final reduction level prior to 31 December 2012. Therefore, prior to 31 December 2012, each Party is free to maintain whatever level of strategic nuclear warheads it deems appropriate, consistent with its obligations under START and its obligation to meet the specified limit by the specified date. SORT does not have a verification regime and relies on START's. There are concerns that once START expires, SORT may not be subject to a verification regime.

¹ China has not announced a moratorium but is believed to have also ceased production of fissile material for nuclear weapons some years ago.

17. Following the 2009 expiration of START and the 2012 expiration of SORT there will be no bilateral nuclear disarmament reduction Treaty between the Russian Federation and the US. Although the two countries are currently negotiating a follow-on Treaty to START, progress has been slow, with Russian Federation complaining of US opposition to continuing the binding measures contained in START. In the meantime, Russian Federation continues to upgrade and modernise its nuclear capability. The opportunity now exists to build on the disarmament gains of START and SORT by swiftly concluding a new bilateral agreement between the US and the Russian Federation for the further reduction of all types of nuclear weapons in a systematic and verifiable manner.

18. The calcification of the multilateral disarmament and non-proliferation regimes and the continued possession by NWS of large nuclear stockpiles are just some of the key obstacles to the advancement of nuclear disarmament and non-proliferation today. Movement towards a nuclear weapons-free world will require progress on both disarmament and non-proliferation. States need to be secure in the knowledge that NWS are disarming, but also that others are not seeking nuclear weapons. There are a number of steps that can be taken to further the security of all States (see Part II below). None of these initiatives, however, can be accomplished without the requisite political will from all States.

II. The way forward: Breaking the deadlock and early entry-into-force of the Comprehensive Nuclear Test Ban Treaty (CTBT)

1. As was set out in Part I, we are witnessing an on-going stalemate in efforts towards the goal of a nuclear weapons-free world. In part, this is brought about by what some see as weaknesses in the current nuclear regime – a regime which has failed to comprehensively prevent proliferation or achieve complete nuclear disarmament. Non-parties to the NPT have developed nuclear capabilities. It has been recognised that States can join the NPT, receive assistance for their peaceful nuclear programs and then withdraw from the Treaty, leaving them with nuclear know-how and no obligation to refrain from developing nuclear weapons. Additionally, NPT Article VI disarmament provisions are unenforceable and nuclear weapons States have not progressed reductions of their nuclear arsenals as speedily as many had hoped for.

2. A consensus outcome from the 2010 NPT Review Conference will be essential to refocusing and making progress on nuclear non-proliferation and disarmament. In the lead up to the meeting, it will be important to create an environment conducive to achieving real progress. The 2000 Review Conference of the NPT agreed by consensus on a Final Document setting out 13 steps which could act as practical building blocks towards fulfilling the NPT's object and purpose. Realisation of at least some of these 13 steps in the near future could greatly assist efforts at the 2010 Conference.

3. The first of the 13 steps is the early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT). The CTBT is vital to the framework for achieving nuclear disarmament and non-proliferation. By helping to constrain the qualitative and quantitative development of nuclear weapons, through its key objective of achieving a ban on nuclear explosive testing, the Treaty underscores and reinforces the goals of the NPT. As the CTBT preamble States, the Treaty is "a meaningful step in the realisation of a systematic process to achieve nuclear disarmament." Entry into force would make legally binding what is already the international norm. It would consolidate political and practical progress in Treaty implementation. As of November 2008, the CTBT has been signed by 180 countries and ratified by 146.

4. By joining the CTBT, countries enter a legally-binding commitment that severely constrains any one country's ability to develop workable nuclear warheads or to make qualitative improvements to existing arsenals. Such assurances can support regional efforts at conflict resolution and confidence building, which are especially needed in regions where nuclear proliferation is a problem.

5. For more than 10 years, the Preparatory Commission of the CTBTO has been working towards putting together an international monitoring system – ready for the day when the Treaty finally enters into force. More than 250 monitoring facilities around the globe are already sending data back to an International Data Center in Vienna. In 2006, the CTBT verification regime successfully detected and attributed the nuclear event in North Korea, though at the time the verification system was only 40 per cent of current capacity.

6. However, despite this important progress and clear demonstrations of international will, the Treaty has yet to enter into force. To do so, it requires ratification by all of the 44 countries listed in Annex 2 to the Treaty – six of these have not yet ratified (US, Indonesia, China, Israel, Iran (Islamic Republic of), and Egypt) while three have yet even to sign the Treaty (India, Pakistan and the Democratic People's Republic of Korea). Entry into force of the CTBT should be an immediate international nuclear disarmament priority.

7. In addition to entry into force of the CTBT, the 13 steps in the 2000 NPT Review Conference Final Document provide additional guidance for achieving progress. Other practical initiatives include increased transparency by nuclear-weapons States with regards to their arsenals, reducing the operation status of nuclear arsenals, diminishing the role for nuclear weapons in security policies and further development of verification capabilities. In addition, a fissile material cut-off Treaty, reductions in nuclear weapons of all types, confidence building measures such as pledges of no-first use by NWS, and the strengthening of the nuclear safeguards system are all vital steps toward a nuclear weapons-free world.

8. While strengthening the current nuclear non-proliferation and disarmament regime is essential, there is a growing impetus towards a comprehensive approach to the nuclear issue. Such an approach could bring together the three pillars of the NPT, possibly in a Nuclear Weapons Convention. Such an approach could also incorporate important concepts of Negative Security Assurances and nuclear weapons-free zones. A range of commentators, civil society members and governments argue that a holistic, balanced and inclusive method of addressing the nuclear issue may ultimately be the only way to achieve the goal of a nuclear weapons-free world. However, it must be noted that the process of achieving a nuclear weapon-free world is fraught with security challenges and must be undertaken in such a way that maintains the security of all States. Consequently, a Nuclear Weapons Convention is a long-term goal that requires many steps in between before becoming reality. These steps include the CTBT and the FMCT, as well on-going arsenal reductions by nuclear armed States.

III. The role of parliaments

1. The threats and opportunities posed by the current nuclear disarmament and non-proliferation regime are well within the power of parliaments to influence. There are a number of ways in which parliaments advance the cause of nuclear non-proliferation and disarmament. The following examples demonstrate how parliaments can act individually and collectively through organisations such as the IPU.

How parliaments can advance nuclear non-proliferation and disarmament

2. The most direct way that parliaments help to advance nuclear non-proliferation and disarmament is through the swift ratification of international treaties and protocols. Parliaments can also urge their executives to sign non-proliferation and disarmament treaties and protocols. Examples include the ratification and enforcement of United Nations Security Council resolutions; and the ratification of nuclear weapons-free zones, such as the Treaty of Rarotonga (South Pacific Nuclear Free Zone) by Australia in 1986. More recently, the Mozambican Parliament voted to ratify the Pelindaba Treaty in March 2008, which aims to make Africa a nuclear-weapons-free zone. Parliaments can also urge their executives to engage constructively and positively in UN deliberations and negotiations on nuclear issues.

3. Importantly, parliaments can focus substantial public attention on nuclear disarmament and non-proliferation issues by introducing motions for general or extended debate. There are many instances of this around the world, including Australian senate statements on nuclear non-proliferation in 2006, Belgian senate resolutions on the NPT Review Conference in 2005 and debates in the Japanese Diet on the US-India civil nuclear agreement in 2007. Properly used, this tool can help to ensure that the nuclear non-proliferation and disarmament agenda remains at the forefront of public consciousness.

4. Parliaments can use their powers of oversight and review to ensure that national governments fully implement and adhere to the international treaties and protocols they have ratified. The activities of foreign affairs committees are one example of such oversight in action. A recently established congressional review in the United States is reviewing the current and future roles of missile defences, non-proliferation programmes and nuclear weapons in the US strategic posture. In 2002, the New Zealand Parliament took this concept further, attempting to extend the existing commitments made by the New Zealand government, tabling the New Zealand Nuclear Free Zone Extension Bill.

5. Parliaments can also help create an environment conducive to achieving progress on nuclear disarmament and non-proliferation – especially in the lead-up to the 2010 NPT Review Conference. This could include assisting national and international implementation of the 13 practical steps in the 2000 Review Conference Final Document. Parliaments can also ensure that national export controls are fully implemented, including those supporting UN Security Council resolution 1540.

6. Parliamentary delegations to countries involved in nuclear activities are another practical way for parliaments to become directly involved in nuclear disarmament and non-proliferation issues and, where possible, positively influence their progress. An example of this is in the number and range of parliamentary delegation visits to North Korea, which helped to open dialogue, increase transparency and bring fresh thinking to international efforts to achieve a peaceful and lasting resolution of the North Korean nuclear issue. This concept of "parliamentary diplomacy" has been utilised by the US, EU (including individual member States) and various South-East Asian States including Thailand, Indonesia and the Philippines.

7. Another important tool at parliaments' disposal is the power to introduce and amend legislation that allocates or increases funding to nuclear disarmament and non-proliferation initiatives. The IAEA Technical Cooperation Programme and Regional Cooperative Agreements are key means of ensuring that countries are able to benefit from the peaceful uses of nuclear technology and remain active in regional disarmament and non-proliferation efforts. By ensuring that such funds are adequately contributed to, parliaments play an indirect role in promoting their goals.

8. Perhaps most importantly, parliaments play a vital role in raising public awareness of the threats of nuclear weapons and the goal of a nuclear weapons-free world. Parliamentarians can distribute information on the current threats and encourage and support civil society in advocacy efforts. Close interaction between parliamentarians and their constituencies on this issue can have an important and two-way educational impact and encourage the global profile which the nuclear threat so clearly warrants.

9. Parliamentarians can also encourage their executives, academia, commentators and the general public to consider the feasibility and benefits of a comprehensive approach to nuclear issues, such as a Nuclear Weapons Convention. Parliamentarians can encourage practical initiatives, such as the 13 steps in the 2000 NPT Review Conference Final Document, towards a nuclear weapons-free world.

IV. Conclusions

1. Several major impediments exist in the current nuclear non-proliferation and disarmament regime that threaten the ongoing effectiveness of the NPT and the progression of negotiations in the CD. At the same time, key multilateral treaties have been established that, if given critical momentum can improve the climate for cuts to nuclear weapons arsenals and greatly reduce the chances of further nuclear proliferation activity.

2. Parliaments should seize the opportunity to positively influence the path of nuclear non-proliferation and disarmament. In light of the broad range of roles that parliaments can play, there are several key ways that IPU Members can maximise their efforts to advance nuclear non-proliferation and disarmament:

- Members can urge their national governments to ratify the CTBT and commence negotiations on a FMCT. This is particularly important for the "Annex 2" States parties to the CTBT, on which entry-into-force depends. A concerted voice in the IPU will help to reinvigorate political will behind the progression of these treaties and reinforce previous resolutions that have encouraged similar action.
- Members can implement new global initiatives, such as nuclear non-proliferation and disarmament education programmes. By incorporating into IPU-led programmes like-minded resolutions and studies by the United Nations, members can collectively increase public awareness of nuclear issues and intensify political pressure on national governments to advance the nuclear non-proliferation and disarmament agenda.
- Members can examine their committee systems with a view to strengthening their treaty review mechanisms. This would be of particular relevance to parliaments that believe they can do more within their existing Treaty arrangements to consolidate or extend their government's Treaty obligations, and require the legislative expertise to do so.
- Members can engage both the government and the general public on nuclear disarmament and non-proliferation issues. This could serve as either an ongoing effort by individual parliaments to increase the general level of public awareness; or the focus of an organised campaign to leverage public attention at certain times (e.g. during major nuclear disarmament conferences) or on certain issues (e.g. ratifying the CTBT).