

# 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”.*<sup>177</sup>

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.”<sup>178</sup>

The Model NWC was drafted by a consortium of lawyers, physicians, scientists and non-proliferation and disarmament experts.<sup>179</sup> 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”.<sup>180</sup>

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 Council<sup>181</sup> (comprising 20 former Heads of State from Canada, Germany, Norway, the United States and other countries), Mayors for Peace<sup>182</sup> (comprising over 5,000 mayors and cities), the Nobel Peace Laureate Summits,<sup>183</sup> Canadians for a Nuclear Weapons Convention<sup>184</sup> (over 500 recipients of the Order of Canada, the country’s highest award) and the 2011 Summit of Latin American Leaders.<sup>185</sup>

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”.<sup>186</sup>

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.”<sup>187</sup>

### **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.<sup>188</sup> 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.