

# 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 66/261<sup>189</sup>, 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)<sup>190</sup> 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.<sup>191</sup> 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.<sup>192</sup>

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.<sup>193</sup>

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.