

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

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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.