

Report of the
International Parliamentary Conference:
From Nuclear Dangers to Cooperative Security

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On November 7-9, 2003, parliamentarians from around the world gathered with United Nations officials, disarmament experts, and international lawyers to consider current dangers arising from nuclear proliferation, nuclear war-fighting policies and the continued possession, development and threat of nuclear weapons use by the nuclear weapon States.

There was considerable concern that emerging trends in nuclear proliferation and nuclear doctrine and practice not only make the possibility of nuclear war more likely, but also could lead to the waging of war over disputes involving suspected or actual nuclear proliferation, such as the recent war against Iraq. **Peter Weiss**, President of the Lawyers' Committee on Nuclear Policy (U.S.) noted:

Here then is the ultimate paradox of nuclear deterrence: The weapon that is supposed only to dissuade countries from going to war is turning into a, if not the, major reason for countries to go to war.

There was general understanding among the conference participants that the challenges presented by nuclear proliferation require global solutions. As U.S. **Representative Christopher Shays** (Republican-CT) elucidated:

Sovereign nations confront the discomfoting proposition that their security is more than ever directly and inextricably tied to far off factors and forces beyond their control.

Despite this, some key nuclear-weapon States seem unwilling to abandon a nuclear deterrence policy, which they deem necessary for their sovereign security, in exchange for a non-nuclear common security doctrine. For example, U.S. Amb. **Robert Grey Jr. (ret.)**, Director of the United States Bipartisan Security Group, noted that:

Most Congressmen, like most Americans, seem comfortable with the notion that nuclear weapons are useful as a deterrent which gives the country some kind of insurance that most potential enemies will think long and hard before using nuclear weapons or other weapons of mass destruction against the United States, [and] seem to be comfortable with the notion that deterrence with a nuclear component remains a valid doctrine and will continue to be valid for some time to come.

The complexity of security issues relating to nuclear weapons policy was acknowledged. On the other hand, there was also recognition that comprehensive solutions to these problems are more

achievable now than ever before due to the development of political approaches, verification technology, legal mechanisms, experience in conflict resolution and experience in international treaty negotiation applicable to nuclear disarmament issues.

Mani Shankar Aiyar MP (India) and legal researcher **Merav Datan** (Israel) outlined comprehensive approaches to these issues explored in the **Rajiv Gandhi Action Plan for a Nuclear-Weapons-Free World** and the **Model Nuclear Weapons Convention**, which has been circulated by the United Nations as a discussion document.

Ms Datan noted the value of the nuclear weapons convention approach for parliamentarians:

It (the nuclear weapons convention) serves as a shorthand expression of complete nuclear disarmament, pointing to the range of legal and technical requirements, yet summing these up in a symbol – a treaty – that is part of the familiar discourse of the political and diplomatic world. Parliamentarians can use the model NWC as a practical tool for educational and organizational purposes, as a short-hand for the process of nuclear disarmament, and as a starting point for discussions.

H.E. Nobuyasu Abe, United Nations Under-Secretary General for Disarmament, outlined the various roles and experience that the United Nations has in the disarmament process, while **Tariq Rauf**, Head of Verification and Security Policy Coordination at the International Atomic Energy Agency, outlined the expertise and technical capacities that the IAEA can offer in order to verify nuclear non-proliferation and disarmament activities and obligations.

There was some concern that there was insufficient media interest or political will on the part of governments to invest the energy and commitment required for nuclear disarmament. **Malcolm Savidge MP**, Chair of the UK All Party Group on Non-proliferation, for example, stated that the situation today is, perhaps, even worse than it was in 1982 when:

Mr. Perez de Cuellar, who at the time was Secretary-General of the United Nations, said, in effect, that he thought that the world was drifting towards world war three, in which nuclear weapons would be used and the consequences for us all would be beyond human imagination. Mr. de Cuellar's speech gained two or three paragraphs in one Sunday newspaper. All our other papers were far too busy covering such issues as whether there was a relationship between Prince Andrew and Koo Stark -- the really important issue of the day.

On the other hand, there were some present who felt that recent developments have made the elimination of nuclear weapons much more possible. **Eloi Glorieux MP** (Belgium) noted that the International Court of Justice advisory opinion of 1996, which affirmed the general illegality of nuclear weapons, gives parliamentarians a strengthened mandate to act for nuclear disarmament, both within parliaments and in the wider community.

Aaron Tovish, of the Middle Powers Initiative, noted that the emergence of the **Mayors for Peace** movement and the **Parliamentary Network for Nuclear Disarmament**, is creating a powerful force for nuclear disarmament, which will have the power to influence governments and motivate public to support nuclear disarmament.

Paddy Torsney, Canadian Chair of the Inter-Parliamentary Union (IPU), commended PNND's outreach to other parliamentarians and parliamentary organizations such as the IPU, noting that such activities could be very effective in building political momentum.

A key discussion centered on the new security realities, the evolving nature of power and the challenges that these forces create for parliamentarians. **Issam Makhoul** MP (Israel), in a statement to the conference, for example, noted that the attempt on his life immediately prior to the opening of the conference could possibly be linked to his speaking out in parliament on nuclear issues. **Eloi Glorieux** additionally noted that parliamentarians are often prevented from activating their authority because they cannot access information about nuclear weapons policies and practices, and that *“the secrecy about nuclear weapons creates a democratic deficit in parliament.”*

On the other hand, **Merav Datan** pointed out that parliamentarians are in a perfect position to collaboratively construct positive power approaches in order to forge a common security world:

Parliamentarians are perfectly situated to challenge outdated “realistic” notions of security and international relations as merely a struggle for power through military means. By uniting to challenge the most flagrant symbol of military power and call for the abolition of nuclear weapons, the Parliamentary Network for Nuclear Disarmament can help promote new and even more realistic notions of the symbols of power and the structures of power, better suited to today's realities and the political will of the world's citizens.

A number of proposals for parliamentary action and collaboration were considered, including:

- Support for the New Agenda Coalition
- Denuclearisation of Korea
- Establishment of a southern hemisphere and adjacent areas nuclear-weapon-free zone
- Undertaking preparatory work on an international treaty to eliminate nuclear weapons [including, for example, initiating supportive parliamentary resolutions]
- Collaboration with the Mayors for Peace
- Criminalising the threat or use of nuclear weapons through domestic legislation
- Implementing the World Court's decision on the illegality of nuclear weapons through direct action at nuclear weapons facilities

1. Support for the New Agenda Coalition

The New Agenda Coalition (NAC) was formed by a group of influential non-nuclear countries – Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden – in order to develop a comprehensive nuclear disarmament and non-proliferation agenda which could engage both the nuclear-weapon States and the nuclear threshold States in action for nuclear disarmament.

Graham Kelly, Aotearoa-New Zealand High Commissioner to Canada, noted that the NAC program laid the basis for the 13 practical disarmament steps agreed to by all States parties to the NPT at the 2000 NPT Review Conference. He highlighted proposals from the NAC to the

United Nations General Assembly, the 2004 NPT Preparatory Committee, and the 2005 NPT Review Conference. These proposals included calls for:

- negotiations on security assurances to non-nuclear-weapon States in order to assure them of sufficient security to remain parties to the NPT
- immediate removal of tactical nuclear weapons from deployment and reductions in their numbers leading to elimination
- accountability and transparency by the nuclear-weapons States about their nuclear weapons arsenals
- irreversible destruction (rather than storage) of non-deployed nuclear warheads

Mr. Kelly suggested that **parliamentarians** could support the New Agenda Coalition's disarmament program by encouraging their governments to support the NAC resolutions in the annual U.N. General Assembly and the NAC working papers at the NPT meetings.

2. Denuclearisation of Korea

Kim Seong Ho MP (South Korea) updated participants regarding nuclear weapons proliferation and policies in North East Asia, including North and South Korea. He noted that parliamentary support for the six-nation talks, chaired by China, would be very helpful, as would parliamentary support for any agreed framework for the denuclearisation of Korea.

3. Establishment of a Nuclear-weapon-free Southern Hemisphere and Adjacent Areas

Matt Robson MP (Aotearoa-New Zealand) drew attention to the proposal, introduced to the United Nations by Brazil and New Zealand, for the establishment of a southern hemisphere and adjacent areas nuclear-weapon-free zone. This proposal envisions increased communication and collaboration between the existing regional nuclear-weapon-free zones, a conference of States parties to the zones, a declaration calling for further strengthening of the zones, establishment of additional nuclear-weapon-free zones, and ultimately the establishment of the entire world as a nuclear-weapon-free zone. He noted that **parliamentary support** for the proposal is vital for its success.

Raphael Chegeni MP (Tanzania), Secretary General of The Great Lakes Parliamentary Forum on Peace, noted that the Pelindaba Treaty (promoting an African nuclear-weapon-free zone) has not yet entered into force because only a handful of African States have ratified it. He affirmed that **parliamentarians** could encourage their African colleagues to call for ratification of the treaty by their governments, a tactic that is important, not only to prevent the proliferation of nuclear weapons in Africa, but also to support the establishment of a southern hemisphere and adjacent areas nuclear-weapon-free zone

4. Undertaking preparatory work on an international treaty to eliminate nuclear weapons

A number of participants proclaimed the value of preparatory work on elements of an international treaty to eliminate nuclear weapons, even though most NWS are not yet ready to commence negotiations on such a treaty.

Graham Kelly noted that:

The New Agenda therefore sees a nuclear weapon convention (or framework of stand-alone measures amounting to the same), as the culmination of a series of undertakings, practical steps, and negotiations. While a negotiated legal instrument is clearly some way off, there is no reason that practical steps toward nuclear disarmament cannot start now. Indeed, it is vital that they should.

Merav Datan stated that:

By calling for a Nuclear Weapons Convention, parliamentarians both affirm the will and power of their electorates [8] and defy the notion of power through nuclear weapons.

For parliamentarians, a familiar and convenient method to promote the NWC is a parliamentary resolution. A number of countries and the European parliament have introduced resolutions calling for negotiations leading to a Nuclear Weapons Convention. Whether or not the resolution passes, it can serve as a useful educational and organizing tool. In addition, by reinforcing similar efforts elsewhere, parliamentary resolutions can help strengthen the trans-national network of parliamentarians working for nuclear disarmament.

5. Collaboration with the Mayors for Peace Campaign

Aaron Tovish noted that parliamentarians could assist with mayors' engagement in the **Mayors for Peace** Emergency Campaign to Eliminate Nuclear Weapons, and that mayors could encourage parliamentarians to join the **Parliamentary Network for Nuclear Disarmament**. He proposed a joint meeting of Mayors for Peace and PNND at the 2004 NPT Prep Com in New York.

6. Criminalising nuclear-weapons activities through domestic legislation

Dr. Urs Ciplat, director of the Middle Powers Initiative, recommended that **parliamentarians** enact national legislation to criminalise the threat, use, development, testing and use of nuclear weapons, as has been done in New Zealand and Austria. Underscoring the illegality under international criminal law of all weapons of mass destruction activities, Dr. Ciplat pointed out that national criminal sanctions applicable to individuals engaging in nuclear and other WMD activities would provide law-enforcing authorities worldwide with the tools necessary to effectively prosecute proliferators. To render such national criminal legislation most effective, Ciplat suggested that it include extra-territoriality (application to citizens of the State regardless of where the crime is committed) and universal jurisdiction (application to any persons committing the crime regardless of their citizenship or where the crime was committed).

7. Implementing the World Court decision on illegality of nuclear weapons through direct action at nuclear weapons facilities

Eloi Glorieux MP (Belgium) reported on direct non-violent actions which **parliamentarians** had been conducting at nuclear weapons facilities in Europe. The actions are undertaken in order to move reluctant governments toward enacting the 1996 International Court of Justice's advisory opinion which affirmed the general illegality of the threat or use of nuclear weapons and which also affirmed an obligation to conclude negotiations on complete nuclear disarmament.

Mr. Glorieux noted that:

The goal is not to circumvent national legislation or to undermine the constitutional state, but to reinforce them and to harmonize them with international law. The campaign strategy of civil disobedience should be used with caution by members of parliament and is only legitimate if

- i) all other legal and parliamentary instruments have been exhausted or made impossible;*
- ii) it is about an issue of the utmost public relevance; and*
- iii) three basic principles are respected: openness and sincerity, non-violence, sense of responsibility.*

Under these preconditions civil disobedience against the deployment of illegal nuclear weapons of mass destruction and against the collaboration of a government in illegal nuclear warfare strategies is not only a legitimate, but also a legal imperative for parliamentarians.

Additional ideas

There were a number of other critiques, comments, ideas and proposals, many of which can be found in the presentations attached to this summary report.

Conclusion

Parliamentary participants in the conference reported in their evaluations that this was a very helpful opportunity to meet with other parliamentarians, receive updates on nuclear issues, share perspectives on nuclear weapons and security issues, and discuss parliamentary actions and collaboration.

As such, PNND renews its commitment to the vigorous pursuit of uniting parliamentarians worldwide in order to further the common goal of the total elimination of nuclear weapons.