

The role of Parliamentarians

Introduction

- 12.1 The Committee's terms of reference ask it to consider how inter-parliamentary action can assist in strengthening treaty-based aspects of the nuclear non-proliferation and disarmament regime. Participants in the inquiry saw that there were some very specific ways that the Australian Parliament could contribute.
- 12.2 This chapter will examine some of these opportunities and make a number of suggestions for a more involved role for parliamentarians in Australia and globally.
- 12.3 The chapter also briefly examines the role of civil society and how parliamentarians can contribute to promoting the views of civil society and mobilising action.

The global challenge for parliamentarians

- 12.4 The co-chair of International Commission for Nuclear Non-proliferation and Disarmament (ICNND), the Hon Gareth Evans AO QC, has said in relation to nuclear non-proliferation and disarmament, '[w]e have to make this a mainstream political issue'.¹ The Committee concurs with this statement.

¹ Hon Gareth Evans AO QC, Press Conference, 3 May 2009, Santiago de Chile, Chile, viewed 24 August 2009, <http://www.icnnd.org/news/transcripts/090503_pc_evans.html>.

12.5 In evidence to the Committee, Mr Evans stated:

...there is a bit of hunger for leadership on these issues. While, obviously, the leadership is ultimately going to have to come from the big guys, not least the US itself, there is an extraordinarily useful role that can be played by creative, energetic middle powers that have a genuine global respect on these issues.²

12.6 In 1996, the Canberra Commission argued:

High level political commitment has proven time and again to be the crucial condition for the resolution of seemingly intractable solutions and reconciling embittered foes.³

12.7 The case of the Canberra Commission illustrates clearly the importance of maintaining political momentum on these issues. As discussed in the first chapter, it is also evident that the political will to progress these issues is very important. The optimism that has been generated on the basis of statements by President Obama clearly exemplifies this.

12.8 The Committee considers that parliamentarians occupy an important position that they can utilise to both raise awareness and stimulate policy debate. In his submission, the President of the Inter-Parliamentary Union, the Hon Theo-Ben Gurirab stated:

... there is considerable scope for meaningful parliamentary action in support of nuclear non-proliferation and disarmament.

Parliaments can raise awareness of the issues at stake and mobilize political action. Informal parliamentary dialogue and exchange can lead to new initiatives and help overcome grid-locks at the level of formal diplomacy and negotiations.⁴

12.9 In the context of the nuclear non-proliferation and disarmament treaties, the Committee considers that parliamentarians are well equipped, as Mr Gurirab suggested, to pursue dialogue outside formal negotiations. This might be particularly important in relation to the Conference on Disarmament and negotiation of a Fissile Material Cut-Off Treaty.

2 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 8.

3 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 52.

4 Inter-Parliamentary Union, *Submission No. 69*, p. 1.

Engaging parliamentarians

Parliamentary organisations

- 12.10 Internationally, parliamentarians have an opportunity to promote nuclear non-proliferation and disarmament issues in organised parliamentary fora including the:
- Inter-Parliamentary Union (IPU);
 - Asia-Pacific Parliamentary Forum (APPF);
 - Parliamentarians for Global Action, a network of over 1,300 parliamentarians in more than 100 countries; and
 - Parliamentarians for Nuclear Non-proliferation and Disarmament, a network of over 500 parliamentarians from 70 countries.⁵
- 12.11 The Australian Parliament has a Cross Party Group on Nuclear Disarmament and Non-Proliferation.
- 12.12 The International Campaign to Abolish Nuclear Weapons argued in its submission that such fora can provide:
- ... a valuable point of continuing focus, education, dialogue and parliamentary initiatives engaging with the government, diplomatic representatives, civil society organisations and the public, as well as contact with parliamentarians in other countries.⁶
- 12.13 The Committee notes that the Hon Roger Price MP presented a report and draft resolution on nuclear non-proliferation and disarmament and entry into force of the CTBT at the IPU's 119th meeting in 2008. This resolution was adopted at the 120th IPU meeting in April 2009.
- 12.14 A delegation of the Committee met with Mr Anders Johnsson, Secretary-General of the IPU in Geneva on 2 July 2009. The delegation discussed the report and draft resolution presented by Mr Price and opportunities to continue to promote non-proliferation and disarmament at the IPU's 121st meeting in October 2009. The Committee intends to make its report available for circulation at that meeting and encourages the delegation to the meeting to take up these issues.

5 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 14; Mr Sergio Duarte, *Submission No. 81*, p. 3.

6 International Campaign to Abolish Nuclear Weapons, *Submission No. 70*, p. 18.

- 12.15 In his submission, the Executive Secretary to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Organization saw an important role for parliamentarians in awareness raising through the IPU:

Inter-parliamentary cooperation such as through the IPU has a substantial awareness raising value in particular vis-à-vis parliamentarians from countries that still need to ratify key non-proliferation and disarmament treaties.⁷

- 12.16 Ambassador Toth highlighted work undertaken by Australia in 2007, including inclusion of entry into force of the CTBT on the agenda of the IPU Assembly in 2007.⁸ Ambassador Toth expressed the hope that the IPU resolution will 'send a strong signal' to the remaining nine countries whose ratifications are required to bring the CTBT into force.⁹

- 12.17 In their submission, the Department of Foreign Affairs and Trade and Australian Safeguards and Non-proliferation Office indicated that resolutions through these fora supporting a successful 2010 NPT Review Conference 'would be welcome'.¹⁰

Australian parliamentary delegations

- 12.18 In evidence to the Committee, Mr Allan Behm argued:

We should think about members of our parliament being fully paid up members of our international delegations that do serious business, and I do not mean as observers, but as players.¹¹

- 12.19 In their submission, the Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office also saw an opportunity for parliamentarians to engage with their counterparts to inform and influence their views on key nuclear security objectives.¹²

- 12.20 The Committee considers there are real opportunities for parliamentarians to become more involved in promoting Australia's disarmament and non-

7 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, *Submission No. 84*, p. 2.

8 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, *Submission No. 84*, p. 2.

9 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, *Submission No. 84*, p. 2.

10 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 14.

11 Mr Allan Behm, *Transcript of Evidence*, 26 March 2009, p. 50.

12 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 14.

proliferation objectives. The regular outgoing parliamentary delegation program of the Parliament, approved each year by the Presiding Officers, presents an ideal opportunity to raise these issues with parliamentarians in other countries.

- 12.21 The Committee proposes that an ongoing brief for parliamentary delegations to raise nuclear non-proliferation and disarmament issues be adopted. This should include promoting ratification of the Comprehensive Nuclear-Test-Ban Treaty in countries whose ratification is key to bringing the Treaty into force. Parliamentarians should also provide support for a Fissile Material Cut-Off Treaty. As discussed in earlier chapters, considerable effort will be required to progress this Treaty. Any assistance that parliamentarians can provide to generate political will to support the Treaty and overcome differences can only assist negotiations.
- 12.22 The Committee considers that this inquiry has highlighted a range of other issues that parliamentarians can more generally advocate. This includes support for ICNND and for strengthening the NPT regime by overcoming resistance to stronger non-proliferation measures. Australian parliamentarians could also push for a stronger commitment to disarmament by nuclear weapon states.
- 12.23 The participation of parliamentarians in relevant parliamentary conferences presents another opportunity to raise these issues, whether during formal proceedings or in the sidelines.

Regional involvement

- 12.24 Dr George Perkovich told the Committee:

The degree to which Australia can help build coalitions of non-nuclear-weapon-states, whether geographically or otherwise, to support concrete measures will have a disproportionate benefit in both the non-proliferation and disarmament realms. This is an area where Australia punches above its weight, and it would be great if it continued to do that.¹³

- 12.25 It was suggested to the Committee that there is also a lot that Australia can do regionally, perhaps outside UN structures. Both Professor Joseph Camilleri and Dr Carl Ungerer argued that Australia should be working much more closely with countries in South-East Asia.¹⁴ Dr Ungerer

13 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 16.

14 Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 6; Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, p. 58.

considered that Australia could contribute by dealing with some of the security concerns of states in our region:

Australia should be working much more closely with countries in South-East Asia who potentially could go down the wrong pathway in this regard, and pay much closer attention to those issues as well as the China issue.¹⁵

12.26 Mr Rory Medcalf similarly commented that:

... there is scope for Australia to take advantage of its strong diplomatic linkages in Asia to promote nonproliferation and disarmament, both in terms of support for treaties from countries in the region and of norms of nuclear restraint.¹⁶

12.27 Mr Medcalf also saw particular benefit in Australian parliamentarians becoming more engaged with their counterparts in India, particularly on non-proliferation issues.¹⁷

Comprehensive Nuclear-Test-Ban Treaty

12.28 As discussed in chapter two, there are nine states whose ratifications are required in order to bring the Comprehensive Nuclear-Test-Ban Treaty (CTBT) into force. Many contributors to the inquiry saw a role for Australia and the Australian Parliament in promoting entry into force of this Treaty. The Committee received some very specific suggestions as to action parliamentarians might take, including:

- privately obtaining the commitment from other countries that they will ratify the CTBT should US ratification proceed and that they will not be the impediment to the Treaty entering into force;¹⁸
- lobbying counterparts in the United States; and
- signalling to US counterparts that Australia fully supports the abolition of nuclear weapons and does not consider the US would be abandoning its allies by ratifying the CTBT.

12.29 Ms Martine Letts of the Lowy Institute for International Policy argued:

15 Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, p. 58.

16 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41. See also Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 6.

17 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, pp. 55-56.

18 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 6.

...there are some big opportunities for you to use your contacts in the US Congress to persuade some of the critical members, particularly those on the Republican side, that this is something that is long overdue.¹⁹

- 12.30 Mr Rory Medcalf of the Lowy Institute also saw a role for Australia to contribute to this debate:

...with the election of the Obama administration, there is a window of opportunity to reduce nuclear dangers and Australia can play a big role in influencing that debate. That role really should be played out by Australia lending support to certain voices within the US political debate.²⁰

- 12.31 Parliamentarians might also take such opportunities to express views to their US counterparts on issues such as moving to lower alert levels for nuclear forces, further weapons reductions, no first use policies and nuclear deterrence.²¹

Support for the International Commission on Nuclear Non-proliferation and Disarmament

- 12.32 In its submission, the Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office suggested that the Committee could contribute to ICNND by using contacts in overseas parliaments to encourage support for the Commission's aim of reinvigorating global nuclear non-proliferation and disarmament efforts.²²
- 12.33 Mr Rory Medcalf also saw that parliamentarians could encourage all governments to advocate and act upon the Commission's recommendations.²³
- 12.34 While ICNND's recommendations are still to be seen, the Committee strongly supports ICNND's mandate and considers that the Australian Parliament should actively promote the Commission's work.

19 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 11. See also Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41.

20 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41.

21 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, pp. 41-42; Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, pp. 46-47.

22 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 15.

23 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 42.

Engaging civil society

- 12.35 There is a role for parliamentarians globally in promoting the ongoing role of civil society and greater public support for nuclear non-proliferation and disarmament issues.²⁴ This includes improving public education and opportunities for civil society to engage with governments on these issues.²⁵ Achieving outcomes in arms control has often been closely linked with the involvement of civil society. Parliamentarians have strong links with civil society through their own constituencies as well as the means to raise these issues in Parliament.
- 12.36 In his submission, Mr Allan Behm argued that parliament and parliamentary committees were better able to represent and promote the views of non-government organisations and interest groups than public service agencies.²⁶
- 12.37 The role that civil society can play in helping to progress major arms control treaties has been demonstrated on a number of occasions.²⁷ Dr Ben Saul of the Sydney Centre for International Law at the University of Sydney argued in relation to the Clusters Munition and Land Mines treaties:
- What was absolutely essential was getting the international and national civil society on board. Cluster munitions were banned really because of work of organisations in Australia such as Austcare and internationally Handicap International. They really drove a global movement to pressure states. What has been really important about that process is that because they went outside the convention on conventional weapons it really left the major powers, who were part of that process and obstructing it, out in the cold...²⁸
- 12.38 Dr Marianne Hanson also argued that there is a role for parliamentarians and civil society to play in continuing at every opportunity to raise and push these issues. As demonstrated with the Cluster Munitions and Land

24 Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 47; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 14.

25 International Campaign to Abolish Nuclear Weapons, *Submission No. 70*, p. 19; Women's International League for Peace and Freedom, *Submission No. 65*, pp. 7-8.

26 Mr Allan Behm, *Submission No. 30*, p. 12.

27 Professor Joseph Camilleri, *Submission No. 66*, pp. 27-30.

28 Dr Ben Saul, *Transcript of Evidence*, 26 March 2009, p. 53.

Mines treaties, such action can have a wide reaching effect. Dr Hanson told the Committee:

These are being driven by civil society Civil society groups are now driving these issues, precisely because these issues are now being framed within the humanitarian context ... Whether governments like it or not, I think this kind of influence and input will be here for a while and it may well get stronger. I think there is something to be said for listening to those voices and taking on board many of the ideas that they have put forward.

Look at the arms trade treaty and at small arms and light weapons especially, which kill up to 500,000 a year. We have not seen governments working strongly enough or quickly enough in these areas. In some ways what you have is public opinion-civil society expert opinion. ... They are realising that we have to act quickly on this, so they are driving this process in light of frustration at bureaucratic and government efforts, which have not been good enough.²⁹

- 12.39 Professor Camilleri emphasised that Governments need to feel that they have the support of society, not just anti-nuclear groups, but the medical profession, legal profession, social workers, educators, and others. Like Dr Saul and Dr Hanson, he argued that these groups have been critical to the achievement of these treaties.³⁰

Parliamentary resolutions and other declarations

- 12.40 The Hon Gareth Evans AO QC raised the question during evidence to the Committee as to what would be the best institutional vehicle for mobilising government and civil society support for nuclear non-proliferation and disarmament as momentum develops. Options might include the proposed nuclear weapons convention. Alternatively, Mr Evans raised the idea of a simple one or two paragraph convention which would embody the declaratory judgement made by the International Court of Justice that the use of nuclear weapons is against international humanitarian law.³¹

29 Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 59.

30 Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 5. See also Professor Joseph Camilleri, *Submission No. 66*.

31 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 16.

12.41 Ms Martine Letts of the Lowy Institute for International Policy also suggested a visionary declaration.³² Other participants in the inquiry called for a clear statement from the Parliament on nuclear disarmament.³³ Professor Camilleri argued that:

...we must put on the table the idea that nuclear weapons are here to be eliminated...³⁴

12.42 The idea of a clear statement of the ultimate objective was raised in chapter one. The Committee notes that Australia's position on nuclear non-proliferation and disarmament has remained consistent through different governments. The Committee would welcome bipartisan support for a resolution in the Parliament expressing support for the abolition of nuclear weapons. The declaration might also include:

- a clear call for nuclear disarmament;
- support for a Nuclear Weapons Convention; and
- reference to measures to build confidence such as de-alerting and non first use commitments.

12.43 The Committee calls on other parliaments around the world to also express support for the abolition of nuclear weapons through support for a resolution or declaration.

12.44 The Committee considers that there is an important opportunity at the present time for parliamentarians in Australia and around the world to contribute to building political will and a commitment to a global approach to nuclear non-proliferation and disarmament issues.

Recommendation 18

The Committee recommends that the Presiding Officers agree to all outgoing official parliamentary delegations being briefed on nuclear disarmament and non-proliferation issues, with a mandate to raise these issues during discussions with other parliamentarians as appropriate.

32 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 13.

33 Mr David Noonan, *Transcript of Evidence*, 25 March 2009, p. 23; Professor Joseph Camilleri, *Submission No. 66*, p. 25.

34 Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 5.

Recommendation 19

The Committee recommends that the Presiding Officers agree to the Parliament's outgoing delegation program for 2010 being arranged so that the regular bilateral visit to the United States coincides with the 2010 NPT Review Conference, thus allowing parliamentarians an opportunity to participate in this Conference.

Recommendation 20

The Committee recommends that the delegation to the 121st Inter-Parliamentary Union Conference in October 2009 takes this report to that conference to promote further discussion of nuclear non-proliferation and disarmament issues.

Recommendation 21

The Committee recommends that the Parliament adopt a resolution on the Parliament's commitment to the abolition of nuclear weapons.

Recommendation 22

The Committee calls on parliaments around the world to support similar actions to those contained in recommendations 18, 19, 20 and 21.

Kelvin Thomson MP
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