

**Note:** A *memorandum* in legislative parlance is an excerpted version of a legislative action presented to a deliberative assembly. Memorandum is used when a particular legislative action is too long in its entirety for reprinting and re-reading in the legislative assembly, particularly when there are excerptable portions that are intended for deliberation, and the rest of the action is generally accepted by the parliament. A *summary memorandum* includes the remainder of the legislative action in the form of legislative summary. Because the view of the provisional World Parliament was that the whole of the *Model Nuclear Weapons Convention* was generally appropriate, the Parliament decided to accept recommendation from the *Standing Parliamentary Commission on Disarmament* to deliberate and adopt the *Summary Memorandum for Elimination Protocol*, which specified recommended improvements to the original document. After deliberation, the Parliament adopted the Protocol as amended by the Summary Memorandum as World Legislative Act #34.

A *protocol* in legislative parlance here and ordinarily in world legislation means a designation of steps for implementing a non-statutory legislative program. *Protocol* here *does not* mean an optional program or optional action, which were possible meanings under the Westphalian international system. If a program or some part of a program is optional, that would be specified in its respective provisions.

## World Legislative Act #34

Adopted as World Legislative Act #34 by 9th session of provisional World Parliament convened in Tripoli, Libya, on 12 April 2006, under Article 19 of the *Constitution for the Federation of Earth*.

The Provisional World Parliament originally derived the base text for the Elimination Protocol from the *Model Nuclear Weapons Convention* of United Nations General Assembly Official Document A/C.1/52/7, produced by the International Association of Lawyers Against Nuclear Arms in association with Costa Rica. <http://www.ialana.net>

## Summary Memorandum of the Protocol for Nuclear Weapons Elimination

Protocol for the Prohibition of the Development, Testing, Production, Stockpiling, Transfer, Use and Threat of Use of Nuclear Weapons and for Their Elimination together with all Weapons of Mass Destruction and Conveyances

Short Title: **Elimination Protocol**

Reminds that World Legislative Act #1 prohibits development, testing, production, stockpiling, transfer, detonation and threat of detonation of nuclear weapons.

Reminds that the World Disarmament Agency is a Ministry of the Earth Federation and also a sub-department of the Remedies and Corrections Department of the

Enforcement System, as addressed in World Legislative Acts #1, 13 and 14 assigned with the responsibility to supervise disarmament from weapons of mass destruction;

Reminds that the fissiles production ban prohibits the production of any fissionable material which can be used to make a nuclear bomb, including plutonium and highly enriched uranium.

Declares that there is an urgent need worldwide for excellent guidelines for the nuclear weapons and weapon of mass destruction elimination procedure itself;

This ninth session of the provisional World Parliament hereby enacts this protocol for nuclear weapons elimination together with elimination of all weapons of mass destruction and conveyances. This protocol is the adoption of United Nations General Assembly Official Document A/C.1/52/7, however incorporates the following noted amendments to the original [Strikeouts indicate deletions and underlines indicate insertions.]:

**1. General Obligations** The model nuclear weapons protocol (~~treaty~~) ~~prohibits~~ recognizes the prohibition of development, testing, production, stockpiling, transfer, other use and threat of use of nuclear weapons. States possessing nuclear weapons shall ~~destroy-dismantle~~ and eliminate their respective arsenals according to a series of phases ~~over fifteen years~~. The ~~treaty~~ ~~also prohibits~~ Elimination protocol integrates with the ~~production of~~ weapons usable fissile materials production ban. Elimination protocol ~~and~~ requires dismantlement or conversion of delivery vehicles to be destroyed or converted to make them non-nuclear capable.

## **Defines Terms.**

**The World Disarmament Agency** ~~An agency would be established~~ ~~to~~ ~~implements~~ the ~~treaty~~ Protocol. The Agency is responsible for verification, ensuring compliance, and decision making. The Agency ~~will~~ comprises a Board of Trustees (Conference of Peoples and States Parties), an Executive Council and a Technical Secretariat.

**3. Declarations.** Requires states to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles they possess or control, and the respective locations. World law applies to all citizens of Earth, not only citizens of nations giving preliminary or final ratification to the *Earth Constitution*.

**4. Phases for elimination** The ~~treaty~~ Protocol outlines a series of five phases for the elimination of nuclear weapons beginning with taking nuclear weapons off alert,

removing weapons from deployment, removing nuclear warheads from their delivery vehicles, disabling the warheads, removing and disfiguring the pits and placing the fissile material under ~~international~~-Earth Federation control. In the initial phases, official individuals in the U.S. and Russia are required to make the largest reductions in respective nuclear arsenals. **4.5."12" Strikes provision of some states to keep bombs. Prohibits nuclear weapons unconditionally.**

**5. Verification** Verification ~~will~~ includes declarations and reports from States, routine inspections, challenge inspections, fixed on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing with other organizations, and citizen reporting. Citizens reporting suspected violations of the convention law will be provided enjoy protection through the convention, Earth Constitution and world law, specifically world statutes for the Criminal Court, Procedures and Evidence and Privileges and Immunities, including the right of asylum. The Agency ~~will~~ Protocol establishes an international and world monitoring system to gather information. The Agency ~~will~~ shall make most of this gathered information available through a registry. The Agency shall keep confidential that information not in violation of world law which ~~may~~ might jeopardize commercial secrets or national security. However, information that is violation of world law under WLA#13.02.14., is public domain. No payments may be made or received for illegal properties (class 1 felony).

**6. National Implementation Measures** States shall adopt necessary legislative measures to implement respective obligations under the Protocol to provide subjurisdictional law enforcement cooperation for prosecution of persons committing crimes, and for protection for persons reporting violations of the Protocol. States shall establish a national authority to be responsible for national tasks in implementation.

**7. Individual responsibility.** Applies obligations to individuals as well as States. Procedures for the apprehension and fair trial of individuals accused of committing crimes under the treaty are provided for in World Legislative Acts #13, 14, 19, 20 (Criminal Court), and 24 (Procedures & Evidence)

**8.** Defines further structure of World Disarmament Agency.

**9.** Defines nuclear materials prohibitions and protocol. Requires compliance to protocol regarding nuclear materials.

**10.** Defines nuclear weapons dismantlement protocol. Requires compliance to nuclear weapons dismantlement protocol.

**11.** Defines nuclear weapons delivery vehicle dismantlement and conversion protocol. Requires compliance to nuclear weapons delivery vehicle dismantlement and conversion protocol.

**12.** Defines nuclear facilities dismantlement protocol. Requires compliance to nuclear facilities dismantlement protocol.

**13.** Allows use of appropriate nuclear materials and appropriate nuclear research, such as for nuclear medicine, nuclear forensics, calibration of nuclear verification tools, etc.

**14. Conflict Resolution** The ~~treaty~~ Protocol includes provisions for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. The Agency may refer a legal dispute to the International Court of Justice by mutual consent of States Parties. The International Court of Justice shall respond to any request for advisory opinion from the Agency on a legal dispute. **14.22.28.** ~~Strikes "restrict the State Party from rights and privileges under the convention until the Conference decides otherwise."~~ Inserts, "shall immediately refer the matter with respective evidence to the Investigations Department of the World Attorney Generals Office, and submit warrant service application forms, filled as appropriate, to the World Attorneys General Office." **14.2.30.** Inserts "for advisory opinion of the United Nations General Assembly or advisory opinion of the United Nations Security Council." after "Security Council", **14.2.31.** ~~Strikes "United Nations Charter".~~ Inserts, "Earth Constitution and world legislation, including use of the Enforcement Agency and the Criminal Court."

**15. Compliance and Enforcement** The ~~treaty~~ Protocol provides for a series of graduated responses for suspected non-compliance beginning with consultation and clarification, negotiation within legal limits, and, if required, sanctions civil penalties, recourse to the U.N. General Assembly and Security Council for action or issuance of warrants for search and arrest by the Enforcement System. **15.1.** ~~Strikes "following conditions are met...a [All] Nuclear Weapons States have deposited their instruments of ratification, and...b All Nuclear Capable States [not party to the Nuclear Non-Proliferation Treaty] have deposited their instruments of ratification .c...At least [...] States in total have deposited instruments of ratification."~~ Inserts , "30 days after the declaration of the first operative stage of Earth Federation, based on equivalent qualifications in Article 17C1 of the Earth Constitution, except for World Territories or World Federal Zones, which have an earlier date of entry into force, conditional upon world legislation provisions for the respective Territories or Zones." **15.2.** Inserts "to Earth Constitution" after "accession" both times.

**16. Financing** ~~The treaty~~ Earth Federation may obliges nuclear weapon states to cover the costs of the elimination of respective nuclear arsenals, but since nuclear weapons states might not be solvent for paying these costs, a world federal decommissioning fund is appropriated to the Earth Financial Credit Corporation establishing an international fund to assist states which that may have financial difficulties in meeting their respective obligations. **16.2.** Adds , " If a nuclear weapon state is not solvent for meeting respective costs, nuclear weapon state shall request loan for at least the anticipated costs from the Earth Financial Credit Corporation. Conditions for loans are for the intrinsic value, not the face value of respective currencies. Earth Financial Credit Corporation may make loans only in Earth Credit and Currency and debtor must remit in Earth Credit or Currency. Request for loan implies at least preliminary ratification of the *Earth Constitution* by the respective national government. National officers processing loans for respective countries must perform a solemn undertaking of allegiance to the *Earth Constitution*."

**17. Reserves Amendments to World Parliament. States Parties to *Earth Constitution* may introduce amendments through respective delegate Members to Parliament, through world parliamentary procedure.**

**18.** Relates Protocol to prior existing international and world law. Defines Scope and application of Protocol to have no permission of withdrawal and no reservations.

**Nuclear Material** ~~The treaty would~~ Fissile Materials Production Ban prohibits the production of any fissionable or fusionable material which can be used to make a nuclear bomb, including plutonium and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes.

**Nuclear Energy** ~~The treaty protocol~~ includes an optional protocol which would establishes a program of energy assistance for States Parties choosing not to not developing nuclear energy or planning to phase out existing nuclear energy programs.

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**Universal amendments in memorandum by provisional World Parliament:**

Replaces word "Convention" and word "treaty" universally with word "Protocol" if reference is reflexive to this Act.

Replaces word "use" universally with word "detonation", if reference is to the causing or allowing fissile materials to reach a radiologically critical mass.

Replaces the term "Conference of States Parties" universally with "World Disarmament Agency Board of Trustees", except in article 2, where "Conference of Peoples and States Parties" is listed as an alternate designation.

Replaces word "destroy" universally with word "dismantle".

Replaces word "destruction" universally with word "dismantlement".

Places the Protocol into full numeric codification.

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**Following annexes are under development or in process of completion and dissemination:**

Annex on the Verification and Implementation

Annex on Nuclear Activities, Components and Equipment

Annex on Delivery Vehicles.

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Provisional World Parliament