



Bringing the UN Disarmament Machinery Back to Life

John Page

Summary

There are advantages in the Conference on Disarmament (CD) being the venue for Fissile Material Cut-off Treaty and other nuclear disarmament related negotiations, particularly in securing participation by all the nuclear-armed states. Such negotiations will be more complex and sensitive than agreements such as the Ottawa Landmines Convention, the Oslo Cluster Munitions Convention and the Arms Trade Treaty, sometimes suggested as alternative models to negotiations in the CD. But the advantages of the CD as a negotiating forum do not justify indefinite tolerance of the present stand-off. The UN General Assembly, with its First Committee taking the initiative, must now actively engage in finding ways to resolve the disarmament machinery's problems.

The Problems

1. The existing international machinery for negotiating new treaties for addressing the challenges of nuclear non-proliferation and disarmament is no longer fit for purpose. That it may have done valuable work in the past and enjoys the legitimacy of universal membership and mandated multilateralism are not reasons enough to cling nostalgically to structures and processes that are manifestly failing to progress the nuclear arms control agenda. For example, as one report put it, on 13 September 2013 the Geneva-based Conference on Disarmament (CD) “wrapped up its work for the year stuck in political gridlock that has hampered it since the 1990s, despite high-profile concerns among member nations and observ-

ers that the body faces a slide into irrelevancy.”¹ Instead we need to look at alternative mechanisms to restart the stalled agenda and make some concrete progress.

2. Disarmament and arms control have been central to the UN’s mission since the first ever General Assembly resolution adopted on 24 January 1946 set as an objective specific proposals “for the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction.”² The lack of progress towards these goals led to holding of the First Special Session of the General Assembly devoted to Disarmament (1978) which in turn resulted in the General Assembly establishing the United Nations Disarmament Commission (UNDC) and the CD.

3. The CD and its predecessors have done much for global peace and security, having negotiated foundation agreements such as the Nuclear Non-Proliferation Treaty (NPT), the Biological and Chemical Weapons Conventions and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).³ But for the past sixteen years pro-

¹ Diane Barnes, “Conference on Disarmament Shuts Down for Year with No Deal in Sight,” *Global Security Newswire*, 16 September 2013, <http://www.nti.org/gsn/article/conference-disarmament-shuts-down-year-no-deal-sight/?mgs1=d47bd3f5m3#>.

² Resolutions Adopted by the General Assembly During its First Session, <http://daccess-dds.nyun.org/doc/RESOLUTION/GEN/NR0/032/52/IMG/NR003252.pdf?OpenElement>.

³ Even though the CTBT could not in the end be adopted in the CD because of the latter’s consensus decision-making rule and was approved by the UN General Assembly instead, the negotiations on the CTBT were concluded under the auspices of the CD.

gress on the CD's agenda has been prevented by a few CD members abusing the consensus rule to block the commencement of work, reducing the CD to a level of farce damaging to multilateralism generally and to UN disarmament efforts in particular. Compounding this situation is the UNDC which has produced no agreed outcome for over a decade.

4. The disarmament bodies are the creatures of the UN member states and their failings are the result of member state behaviour, not the UN as an organization. Having established the current disarmament machinery and put in place procedures such as the CD consensus rule, all UN member states share a responsibility for finding ways to restore its effectiveness or, if that is not possible, terminating those elements of the disarmament machinery not delivering the outcomes they are funded to produce.

5. The changed circumstances of the post-Cold War world, such as the shift from bipolarity to a more complex and diverse international security environment, may account in part for the problems besetting the UN disarmament machinery. But outside of the deadlocked Conference on Disarmament agreed outcomes continue to be produced. These include treaties such as the Ottawa Landmines Convention, the (Oslo) Cluster Munitions Convention, the Arms Trade Treaty, the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, and the International Convention for the Suppression of Acts of Nuclear Terrorism. There are also non-treaty products such as the final documents from the 2000 and 2010 NPT Review Conferences and establishment of the Proliferation Security Initiative now supported by over 100 countries. This suggests that the main problem with the UN disarmament machinery is that international circumstances have moved on while it has stayed the same, rather than an unfavourable international environment preventing progress.

United Nations Disarmament Commission

6. Angela Kane, UN High Representative for Disarmament Affairs, in March 2013 characterized the UNDC as the initial stage of the UN's norm setting role on disarmament issues, describing it as the UN's "talk shop" on disarmament.⁴ Sergio Duarte, her predecessor as UN

High Representative for Disarmament Affairs, describes the UNDC "as a deliberative body that makes recommendations on various disarmament issues" and which "follows up on any disarmament decisions."⁵

7. Since it began regular meetings in 1978, the UNDC has produced consensus outcomes on a number of disarmament-related subjects for reporting to the General Assembly, but with little apparent impact. The UNDC's 1999 principles and guidelines for the establishment of nuclear-weapon-free zones (NWFZs) were produced long after most NWFZs had already been negotiated, limiting any norm setting value and practical utility. Similarly, the UNDC's 1999 Guidelines on Conventional Arms Control came well after much work had already been done on conventional arms issues, including the Convention on Certain Conventional Weapons (1980), the Wassenaar Arrangement (1996) and the Ottawa Convention on anti-personnel mines (1997). Moreover, the UNDC's conventional arms guidelines appeared some two decades after the General Assembly's 1978 First Special Session on Disarmament identified conventional arms as a priority area. Of the UNDC's 1988 verification principles, the UN Institute for Disarmament Research (UNIDIR) and the Verification Research, Training and Information Centre (VERTIC) commented in a 2003 joint handbook on verification that the guidelines did not "represent any significant innovation" and: "Some of the principles are contradictory, while others are difficult politically."⁶

8. There is no cause for optimism that the UNDC will in the future make a substantial contribution on its agenda of "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons" and "Practical confidence-building measures in the field of conventional weapons." Even if it managed to reach agreement, the UNDC is unlikely to add to the discussions in

to the Yale International Relations Association, <http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml>.

⁵ Sergio Duarte "How to Revitalize Disarmament Efforts," Carnegie Endowment for International Peace, 9 January, 2013, <http://carnegieendowment.org/2013/01/09/how-to-revitalize-disarmament-efforts/f0f1>.

⁶ *Coming to Terms with Security: A Handbook on Verification and Compliance* (Geneva: United Nations, 2003), p. 5, <http://www.unidir.org/files/publications/pdfs/coming-to-terms-with-security-a-handbook-on-verification-and-compliance-302.pdf>.

⁴ "The United Nations and Disarmament in an Age of Globalization" — Remarks by High Representative Angela Kane

forums such as the NPT review process and the UN General Assembly First Committee. Where detailed consideration of particular disarmament issues is required, ad hoc expert groups seem a more effective approach than a standing body that meets for three weeks each year.

UN General Assembly First Committee (Disarmament and International Security)

9. The First Committee is not without problems but is at least functional. As well as providing an annual forum for the discussion of disarmament and international security issues, the First Committee enables member states to record their positions through resolutions adopted by a majority vote or consensus. The First Committee also provides a forum for the discussion and endorsement by the full UN membership of treaties negotiated elsewhere, such as the NPT and the CTBT, and initiated negotiation of the 2013 Arms Trade Treaty.

10. The First Committee has attempted reform of its operations,⁷ but these efforts have stalled. Formulaic resolutions repeated annually and resolutions similar in content to others continue to drain the First Committee's time and energy. No progress has been made on reducing the overall number of resolutions: In 2002 the First Committee adopted 50 resolutions and 2 decisions; in 2012 the figure was 53 resolutions and 6 decisions.

11. In 2012 the First Committee took a constructive step when it adopted initiatives to encourage movement on two issues blocked in the Conference on Disarmament – the Fissile Material Cut-off Treaty (FMCT) and multilateral nuclear disarmament negotiations. These actions were minor but could indicate that CD issues are beginning to shift to the First Committee, a process likely to accelerate if the CD remains deadlocked.

12. The First Committee's impact is difficult to gauge. Its resolutions are non-binding and readily ignored by key UN member states. For example, each year the First Committee adopts a raft of resolutions supporting nuclear disarmament that have had no discernible impact on anyone's nuclear arsenal. But the Commit-

tee's resolutions do have an element of political force and have no doubt contributed, in varying degrees, to norm setting and to shaping the global disarmament and international security agenda, as has the First Committee's endorsement and initiation of treaties. A key advantage of First Committee resolutions is that they involve the full UN membership. This is important for effective norm development, providing legitimacy and encouraging ownership and support for the relevant behaviour.

Conference on Disarmament

13. The CD is not a true UN body and it does not follow UN procedures – it has its own rules and procedures. Nevertheless, its budget is included in the UN budget, its meetings are serviced by the UN, its Secretary-General is the Director-General of the UN Office in Geneva, its Deputy-Secretary-General is the head of the Geneva Branch of the Department of Disarmament Affairs, and it submits its report to the UN General Assembly. Its origins lie in the 10-nation Committee on Disarmament of 1960 (5 members each from NATO and the Warsaw Pact), which was subsequently expanded to include eight neutral and non-aligned countries (1962–68), enlarged to 40 members in the Conference of the Committee on Disarmament (1969–78), and then further enlarged to its present strength of 65 with the increasing numbers of independent states and their wish to be on the CD.

14. The pertinent question for present purposes is that as it has done no substantive work for sixteen years, is there any point in persisting with the Conference on Disarmament? The answer is probably yes, but not for much longer unless the CD finds a way to get back to work.

15. The core of the CD's problem is that its procedures allow single members to pursue their perceived national interests (including seeking to advance issues unconnected with the CD's agenda) at the expense of the collective interests of the vast majority of CD members and of the international community generally. In recent years one or two CD members alone have been responsible for blocking adoption of a CD work program, with Pakistan consistently thwarting efforts to resume work. Countries who by their actions demonstrate a profound lack of commitment to the CD should not be part of it.

⁷ See, for example, Resolution A/C.1/59/L.60 "Improving the effectiveness of the methods of work of the First Committee" adopted without a vote by the First Committee on 3 November 2004.

16. The consensus rule and a lack of political will are often cited as the main reasons for the CD's long malaise. As has been pointed out in the CD itself,⁸ the problem is not the consensus rule but its abuse to veto a start of negotiations. Key agreements such as the NPT and the CTBT would never have been negotiated had current practices been then applied (for example, countries which did not join the NPT and CTBT for many years after these agreements were concluded, or which have not joined them to this day, nevertheless took part in the negotiations). As ever, CD members who are unable to influence the outcome of a treaty negotiation in ways that make the final product acceptable have the option of not becoming a party to the final agreement.⁹

17. To argue that a lack of political will is responsible for the CD's problems is charitable in the extreme to the one or two CD members blocking a work program and unkind to the vast majority ready to get back to work. A result of 63 in favour, one or two opposed, is an expression of overwhelming political will, not the lack of it. What is lacking in the CD is a structure that ensures that clear political will is translated into practical action, FMCT negotiations being the obvious current casualty.

18. Change is clearly necessary when a single CD member can deny the desires of all other members. One option recommended by the Blix Commission could be for the CD to adopt its work program and other administrative and procedural decisions by a two-thirds majority.¹⁰ This and other options for revitalizing the UN disarmament machinery are discussed in the UNIDIR report "Disarmament Machinery: A

Fresh Approach."¹¹ Many others have offered suggestions for addressing the CD's problems, including participants at the UN Secretary-General's High-level meeting on revitalizing the work of the CD and taking forward multilateral disarmament negotiations.¹²

Alternatives to the CD

19. As mentioned above, concurrent with the CD's period of deadlock the international community has produced disarmament agreements such as the Ottawa Convention on Anti-Personnel Landmines and the Oslo Convention on Cluster Munitions. These successes when set against the CD's paralysis have driven a growing interest in pursuing the CD's agenda in other forums. In the Ottawa and Oslo cases, stalled or inadequate action in existing forums was denying the significant international political and public momentum in support of banning landmines and cluster munitions. Frustrated by this situation Canada, in the case of the Ottawa convention, and Norway, for the Oslo convention, initiated alternative processes. Development of the landmines convention began with Canada hosting a meeting in Ottawa in October 1996 at which 50 governments agreed to work for the early conclusion of a legally-binding international agreement banning anti-personnel landmines.¹³ For cluster munitions, 46 governments agreed at the launch meeting Norway hosted in Oslo in February 2007 to develop a new international agreement. Having established that there was sufficient support to proceed, the treaty drafting process began. As would be expected for processes devised to overcome inaction in existing forums, treaty drafting took place outside the UN system, in each case involving a series of meetings hosted by participating states. Non-governmental organizations (NGOs) were an integral part of the treaty develop-

⁸ Hellmut Hoffmann, Permanent Representative of Germany to the Conference on Disarmament, 24 May 2011, [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/DDD7C351B0207194C125789B004C75C9/\\$file/1224_Germany.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/DDD7C351B0207194C125789B004C75C9/$file/1224_Germany.pdf).

⁹ The CTBT was exceptional, if not unique, in the requirement that 44 specified nuclear technology holder countries must ratify the CTBT for it to enter into force. India argued that the entry-into-force provision was intended to pressure India to join the CTBT and therefore a violation of its sovereign rights. Hence, India's determined opposition to the CTBT in the CD and secondly, the sad reality that the CTBT has yet to enter into force despite overwhelming international support. Had a comparable formula been incorporated, it is hard to think of how many multilateral treaty-based regimes would ever have entered into force, including the NPT itself.

¹⁰ Weapons of Mass Destruction Commission, final report, *Weapons of Terror: Freeing the World of Nuclear, Biological, and Chemical Arms* (Stockholm: Weapons of Mass Destruction Commission, 2006), pp. 179, 180, <http://www.blixassociates.com/final-report/>.

¹¹ "Disarmament Machinery *A Fresh Approach*" (Geneva: UN Institute for Disarmament Research, September 2010), <http://www.unidir.org/files/publications/pdfs/disarmament-machinery-a-fresh-approach-362.pdf>.

¹² United Nations General Assembly Report "Follow-up to the high-level meeting held on 24 September 2010: revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations," 14 October 2010, http://www.un.org/ga/search/view_doc.asp?symbol=A/65/496.

¹³ See John English, "The Ottawa Convention on Anti-Personnel Landmines," in Andrew F. Cooper, Jorge Heine and Ramesh Thakur, eds., *The Oxford Handbook of Modern Diplomacy* (Oxford: Oxford University Press, 2013), pp. 797–809.

ment process, and UN agencies also provided support. When it opened for signature in December 1997 the Ottawa convention was signed by 122 countries, while 94 governments signed the Oslo convention at its opening in December 2008.

20. The Ottawa and Oslo conventions are generally regarded as successes, notwithstanding that a number of key states have yet to join them. This assessment rests partly on the commitments that have been made by states parties in areas such as not producing or transferring the weapons involved, stockpile destruction and victim assistance, and partly on the normative force brought to bear on non-states parties. The unconventional origins of the Ottawa and Oslo conventions are central to their normative impact. Rather than originating from states and being pursued through bodies such as the CD, the impetus and norm building came from civil society groups and a small group of like-minded middle powers sensitizing publics to the humanitarian costs of the weapons involved,¹⁴ and ultimately bringing a wider group of states on board.

21. The consensus practices of the CD are in sharp contrast to the procedures that delivered the Ottawa and Oslo conventions. Both Ottawa and Oslo were produced without the participation of key states of direct relevance to the conventions' objectives, specifically many major holders and producers of landmines and cluster munitions. But with 161 states party, the Ottawa convention can be said to have achieved a degree of normative power, and in 2012, the International Campaign to Ban Landmines (ICBL – the NGO coalition that played a key role in initiating the Ottawa Convention) concluded that “Most of those still outside the treaty nevertheless abide by its key provisions, indicating near universal acceptance of the landmine ban.”¹⁵ Although it is yet to achieve comparable normative force, the Oslo convention now has 108 signatories and 83 states parties.

¹⁴ See Ramesh Thakur and William Maley, “The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?” *Global Governance* 5:3 (1999), pp. 273–302.

¹⁵ *Landmine Monitor*, 2012, Landmine and Cluster Munition Monitor, November 2012, p. 3, http://www.the-monitor.org/lm/2012/resources/Landmine_Monitor_2012.pdf.

22. Notwithstanding their unconventional origins, the Ottawa and Oslo conventions share challenges in common with many other arms control and disarmament agreements, such as achieving universality and ensuring compliance. The ICBL estimated in 2012 that “of the 36 states not party to the Ottawa convention, as many as 33 stockpile a collective total of about 160 million antipersonnel mines.”¹⁶ The ICBL further reported that “Syria was confirmed to be using antipersonnel mines in 2012, while Israel and Libya laid new antipersonnel mines in 2011, joining long-standing landmine user Myanmar. Moreover, while overall implementation has been impressive, there are serious compliance concerns regarding a small number of States Parties.”¹⁷ According to the US ICBL affiliate, in 2012 cluster munitions were reportedly used in both Syria (by Syria) and Sudan (by Sudan) and: “Billions of submunitions are stockpiled by some 72 countries. A total of 34 countries are known to have produced over 210 different types of cluster munitions since the 1950s, 17 of which are suspected of still producing in 2012.”¹⁸

23. While it is certainly feasible for alternative processes to develop and codify new norms, with the Ottawa convention being the most advanced example, the UN has some significant advantages as a forum for disarmament negotiations. These include the strength of a mandate from the UN's near-universal membership and the authority flowing from the UN's established role in developing global disarmament norms and giving them international legal effect.

24. An alternative to Ottawa/Oslo processes and to the CD would be to conduct disarmament negotiations in the UN General Assembly First Committee. The First Committee has the advantage of being a UN body, but negotiations involving the full UN membership are inherently unwieldy and prone to producing lowest common denominator outcomes. The CD's smaller membership is a distinct advantage for the negotiation of disarmament agreements.

¹⁶ *Landmine Monitor*, 2012, p. 15.

¹⁷ *Landmine Monitor*, 2012, p. 3.

¹⁸ “Cluster Bombs,” United States Campaign to Ban Landmines, <http://www.uscbl.org/cluster-bombs/>.

Table 1: Fissile Material Stocks, Military and Civil Material (tonnes, January 2012)

	<i>Highly-enriched Uranium</i>	<i>Separated Plutonium:</i>		<i>Total</i>
		<i>Weapon-grade</i>	<i>Reactor-grade^a</i>	
Russia	737	128	48.4	913.4
USA	610	80.7	7.1	697.8
France	30.6	6	56.0	92.6
China	16	1.8	0.01	17.8
UK	21.2	3.2	92.1	116.5
Pakistan	2.75	0.14	0	2.9
India	2.0	0.52	4.44 ^b	7.0
Israel	0.3	0.82	-	1.1
North Korea		0.03	-	
Germany		-	7.6	7.6
Japan		-	44.9	44.9
Others	20.0	-	10.7	30.7
TOTAL (rounded)	1440	221	271	1932

a. Includes “fuel-grade,” an intermediate category between weapon-grade and reactor-grade.

b. Includes 4.2 tonnes of plutonium in India’s strategic reserve, not under IAEA safeguards.

A number of the figures are IPFM estimates, with varying degrees of uncertainty.

Nineteen countries, plus Taiwan, had eliminated nuclear weapon-useable materials as of January 2012.

Source: International Panel on Fissile Materials (IPFM), <http://www.fissilematerials.org>. Also “The United States Plutonium Balance 1944-2009”, DOE, June 2012.

Fissile Material Cut-off Treaty Negotiations: Last Hope for the CD?

25. The CD’s reason for being is as a multilateral body for the *negotiation* of disarmament and non-proliferation agreements. While there are differences on the relative priority of CD agenda items, a Fissile Material Cut-off Treaty (FMCT) offers the CD its only realistic near-term hope of showing it can still fulfil its negotiating mandate. Numerous First Committee resolutions and the final documents of successive NPT Review Conferences have stressed the importance of early negotiation of the FMCT.

26. The FMCT’s detailed requirements will have to be negotiated, but the basic aim should be a verified ban on the production of fissile material for nuclear weapons and other nuclear explosive devices. This would cap the amount of fissile material available for weapons use, an essential step towards irreversible nuclear disarmament. By strengthening con-

trols on fissile material the FMCT would also advance non-proliferation and nuclear security goals.

27. The vast amount of fissile material stocks, military and civil, already held by several countries is shown in Table 1. As at January 2012 there were almost 1,700 tonnes of weapon-grade nuclear materials in the world, enough for around 100,000 bombs additional to present stockpiles of just under 18,000.¹⁹

28. Many non-nuclear-weapon states consider that, in addition to banning future production of fissile material for weapons use, the FMCT should address the substantial existing stocks of fissile material held by the nuclear-armed states, particularly Russia and the United States. An FMCT limited to a ban on future production would leave the nuclear-armed states free to use existing fissile material stocks to

¹⁹ Ramesh Thakur and Gareth Evans, eds., *Nuclear Weapons: The State of Play* (Canberra: Centre for Nuclear Non-Proliferation and Disarmament, 2013), p. 179.

produce more nuclear weapons, seriously undermining the FMCT's disarmament goals.

29. However, subjecting all existing stocks of fissile material (including in nuclear weapons) to FMCT obligations would require nuclear-armed states joining the FMCT to give up nuclear weapons completely. Such comprehensive coverage of stocks is not realistic at present and insisting on such a provision would rule out what is most likely achievable in the near term – a ban on future production. The stocks issue will nevertheless need to be addressed in the negotiations and the nuclear-armed states are likely to have to give some undertakings on existing stocks. In the meantime, the nuclear-armed states should increase transparency about their fissile material stocks and production, both as a confidence building measure and to help prepare the ground for FMCT negotiations. One option for addressing the issue of pre-existing stocks might be for the nuclear-armed states to agree progressively to bring stocks of fissile material, other than in weapons, under irreversible, verified commitments which ensure that such fissile material is not available for weapons use.

An Alternative Process for the FMCT?

30. There are important differences between the proposed FMCT and the action on landmines and cluster munitions that culminated in the Ottawa and Oslo conventions. Ottawa/Oslo succeeded because of successful public campaigns to make particular weapons and behaviours unacceptable. With nuclear disarmament currently not being a prominent public issue, there seems little hope that public opinion would exert pressure on the nuclear-armed states to participate in FMCT negotiations that they did not support and/or to be part of any resulting treaty.

31. Ottawa/Oslo set out to establish new international norms. In the case of the FMCT, most of the world's nations are committed already to the core obligation – a verifiable commitment not to produce fissile material for nuclear weapons – through their obligations as NPT non-nuclear-weapon states. So an FMCT that did not attract representative nuclear-armed state participation would be unlikely to exert Ottawa convention-type pressure on non-states parties or add much in the way of normative value.

32. Setting aside the dubious security benefits of nuclear weapons, it is a reality that nuclear arms have become systematically entrenched at the core of the security policy of the nuclear-armed states. Nuclear-armed state participation in an FMCT, and consequent realization of its disarmament and non-proliferation potential, will be much more likely if such states are part of the negotiations. For negotiations in the CD this would not be an issue – all of the nuclear-armed states are CD members. However, while the CD continues to exist, FMCT negotiations away from it (on the Ottawa or Oslo models) would probably struggle to attract adequate nuclear-armed state participation, with such states regarding the CD as the preferred forum for such negotiations.²⁰

33. FMCT negotiations will be more complex and sensitive than agreements such as the Ottawa convention. In particular, the FMCT verification system will require careful design if it is to be acceptable to the nuclear-armed states from a national security standpoint and to guard against the danger that nuclear proliferation-sensitive information could leak during verification. Whereas the Ottawa convention relies mostly on national measures for compliance, the FMCT will require international verification, with the International Atomic Energy Agency (IAEA) the most logical provider. The broad international community has obvious interests in the FMCT scope issue and in ensuring effective and efficient FMCT verification, but it is also vital that the outcomes on these issues are able to deliver the participation of the nuclear-armed states.

34. These considerations suggest the CD as the preferred forum for FMCT negotiations if it can get back to work soon. They apply also for other nuclear disarmament related negotiations – there is clear advantage in any such negotiations attracting significant and broadly representative nuclear-armed state participation. That said, the advantages of the CD as a forum for FMCT and other nuclear disarmament negotiations do not justify indefinite tolerance of the present stand-off.

²⁰ See for example, "Fourth P5 Conference: On the Way to the 2015 NPT Review Conference," *Media Note*, U.S. Department of State, 19 April 2013, <http://www.state.gov/r/pa/prs/ps/2013/04/207768.htm>

Time for the General Assembly to Step Forward

35. With the exception of the First Committee the current UN disarmament forums are dysfunctional. Yet many UN members continue to voice support for the status quo, apparently living in the hope that something will turn up. After over a decade of no product in the case of the UNDC and sixteen years for the CD, the time for such optimism is long past. As the UN's main deliberative, policymaking and representative organ, it is time for the General Assembly to step forward and take responsibility for resolving the disarmament machinery's problems.

36. A further Special Session of the General Assembly devoted to disarmament would be one option, but it would take considerable time, effort and resources with no guarantee of success. A better option would be for the First Committee, as the relevant General Assembly Main Committee, at its 2013 session to begin considering a program of action to resolve the disarmament machinery's problems. The ten-country Non-Proliferation and Disarmament Initiative (NPDI), which has been addressing the lack of substantive work in the CD as one of its four thematic priorities, could be an appropriate grouping to launch this process.

37. With no disarmament benefit apparent in continuing with the UNDC, a First Committee program of action should develop for debate a resolution terminating the Commission. Continuing with the UNDC should be an option only if it can be changed in ways that will ensure that it makes a substantive and distinctive future contribution.

38. In the case of the CD, messages from the UN Secretary-General, high-level groups and advisory bodies have been tried without success.²¹ A First Committee program of action should include early action to resolve the question whether the CD remains an effective vehicle for negotiating disarmament and non-proliferation agreements.

²¹ For example, the UN Secretary-General's 2010 High-level Meeting on Revitalizing the Work of the Conference on Disarmament and the UNSG's Advisory Board on Disarmament Matters 2011 review of issues raised at the High-level Meeting, and the UNSG's 2013 message to the Conference on Disarmament.

39. The Informal Working Group that the CD established on its work program in August 2013 should be given a finite time to produce progress. If the CD is not back at work by the start of the First Committee's 2013 session, a First Committee process should develop a resolution setting a timetable to withdraw the CD's funding unless it commences work in the near term (perhaps one year). Such a process could concurrently consider whether a new body should replace the existing CD if it is unable to return to work. One option would be for the General Assembly to abolish the existing CD when the specified time had elapsed and immediately reconstitute it with new operating procedures.

40. A General Assembly resolution effectively putting the CD on notice would be difficult to achieve, with UN members reluctant to initiate action that could result in the end of the CD. Such reluctance is understandable but not warranted. It is in the international community's collective interest and the self-interest of all countries to bring this issue to resolution. Action on the CD's agenda is currently trapped in a state of limbo, with many CD members reluctant to contemplate negotiations elsewhere while there is still a chance the CD might be resuscitated. This is the worst of all possible worlds. The CD is producing nothing but by its very existence is holding back efforts to take its issues forward in other forums. The responsibility for the CD's demise, were this to result from General Assembly action, would rest not with the General Assembly but squarely with the one or two countries blocking adoption of the CD's work program.

41. The CD's end would be regrettable but moving forward on CD issues would become less problematic as a result. For the nuclear-armed states, the easy option of not joining alternative FMCT or other nuclear disarmament negotiations because such negotiations belong in the CD would be removed. In all probability, the capacity of individual CD members to abuse the consensus rule to block the commencement of negotiations would end, with alternative forums most likely taking such decisions by majority. In this regard, those currently abusing the CD consensus rule are employing a counterproductive tactic, making the CD's demise more likely with the consequent taking up of its issues by other forums.

42. The disarmament machinery's drift to irrelevance should be of central concern to any

UN member state which believes that arms control and disarmament must remain a core UN activity. Regrettably, many UN members take a passive approach to the disarmament machinery's problems, limiting themselves to expressions of concern and urgings that solutions be found. With the CD and UNDC unable or unwilling to put their houses in order, it falls to the General Assembly as the world's normative centre of gravity to take the action necessary to restore the UN's capacity to contribute to international peace and security through disarmament. The conduct of this process will have implications not just for the future of the disarmament machinery but also for the credibility of the General Assembly itself.

The Author

JOHN PAGE is a research officer at the Centre for Nuclear Non-Proliferation and Disarmament. He is a former officer of the Australian Department of Foreign Affairs and Trade and served on the Secretariats of the Canberra Commission on the Elimination of Nuclear Weapons and the International Commission on Nuclear Non-Proliferation and Disarmament.

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Contact Us

Centre for Nuclear Non-Proliferation and Disarmament
Crawford School of Public Policy
The Australian National University
Canberra ACT 0200
AUSTRALIA
Email: cnnd@anu.edu.au
Telephone: + 61 2 6125 0912