NGO Statement to First Committee on revitalizing multilateral disarmament negotiations*

The Conference on Disarmament (CD) has been deadlocked for 15 years. With all nuclear armed states currently undertaking or planning modernization programmes for their nuclear weapon arsenals, delivery systems, and related facilities, it is clear that these states have no interest in the near-term in eliminating their arsenals.

However, many non-nuclear-weapon states have criticized these modernization plans and have demanded concrete action on nuclear disarmament. Some have called for the negotiation of a nuclear weapons convention, and others for a fourth special session on disarmament or other overhauls of the disarmament machinery to assist states to re-engage on multilateral disarmament.

The CD has been the focus of much of this attention. Some governments have suggested cutting the CD’s funding and essentially pulling the plug on the body. Others have suggested revising the CD’s rules of procedure so that it no longer operates by consensus. The CD has, in the past, managed to negotiate international disarmament and arms control treaties, with the same working methods it operates under today. However, we wonder how many more contributions could the CD have made to international security if its rules of procedure had not been abused over the last 15 years to hamper real progress?

Many others argue the problem is not procedural but political: they point to Pakistan using the rule of consensus to block agreement on any plan of work for the CD because Pakistan seeks to buy time to build up its nuclear stockpile by preventing talks on a fissile material cut-off treaty.

But the fact is that Pakistan is only doing what other states possessing nuclear weapons have long done. The most recent deadlock is most certainly not the first and over the years different countries have unilaterally prevented commencement of negotiations on various agenda items. They all rely on the argument that certain treaties would undermine their security interests.

Countries should rightly be concerned that a fissile materials cut-off treaty (FMCT) designed by the majority of nuclear-armed states will be “cost free” for those that already possess very large stocks of fissile materials. This makes it all the more important to negotiate the treaty in a multilateral forum where the interests of all states, including those that do not possess any fissile materials at all, are on the table.

The notion that only an FMCT based on the 1995 Shannon Mandate is ready to be negotiated should be reconsidered. While it is often described as the only “ripe” issue for negotiation by a subset of the CD’s membership, the vast majority of CD member states appear ready to work on all of the core issues on the CD’s agenda.

We believe that what is needed is a fundamental shift of approach. While a verified ban on

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production of fissile materials for weapons would be part of the architecture of a nuclear weapon free world, as generally envisaged today an FMCT seems of limited relevance to nuclear disarmament or non-proliferation. It is a quite indirect and slow way of attempting to address nuclear arms racing in South Asia. It is also quite unlikely that even were an FMCT to be agreed that Pakistan would join. It would not be alone. Israel has made clear it will not sign an FMCT. India, and perhaps China as well, may not accept a ban on fissile materials production for weapons in the near term. FMCT negotiations could take years, and entry into force longer. Given all this, it is absolutely crucial that an FMCT not be treated as a step to be completed before negotiations on elimination of nuclear forces are commenced.

The policy of sequentialism, which has not proved to be an efficient way to achieve nuclear disarmament, must be abandoned, and a policy of integration and parallelism adopted.

Is this too radical a proposal? We believe not.

Speaking to the UN General Assembly fifty years ago, on 25 September 1961, US President John F. Kennedy proposed “that disarmament negotiations resume promptly, and continue without interruption until an entire program for general and complete disarmament has not only been agreed to but has actually been achieved.” This programme, he said, should involve “a steady reduction in force, both nuclear and conventional, until it has abolished all armies and all weapons except those needed for internal order and a new United Nations Peace Force.”

It is a measure of how our ambitions and our vision have narrowed in these past fifty years that no American President would now say such words.

A vision is not enough to break the deadlock. We believe that the General Assembly should take up its responsibility for disarmament.

As stated in the Final Document of the First Special Session on Disarmament, “The General Assembly has been and should remain the main deliberative organ of the United Nations in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures.” Each year, you, the delegates of First Committee, call upon the CD to commence work. Last year, you adopted eight resolutions containing specific calls for the CD to resume substantive work in 2011. Once again, the CD has failed to respond to these calls.

We urge the General Assembly to take direct responsibility for pursuing disarmament and establish a parallel process until the CD is capable of delivering substantive results. This has been attempted before, in the draft resolution proposed by Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden in the margins of the General Assembly in 2005. That resolution would have established ad hoc committees on the CD’s four core issues—nuclear disarmament, fissile materials, negative security assurances, and prevention of an arms race in outer space (PAROS). Early this year, Mexico raised the possibility of reviving this approach, and this fall along with Austria and Norway tabled a resolution that would point toward next year’s General Assembly taking that action. Two other draft resolutions tabled in this session of the First Committee also

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indicate that if the Conference on Disarmament does not get down to work within the next year, the General Assembly would assume its responsibility.

When the General Assembly finally takes hold of this matter, we suggest that it establish two open-ended working groups—one on nuclear disarmament and another on prevention of an arms race in outer space. The open-ended working group on nuclear disarmament could work on a convention or framework agreement on nuclear disarmament that embraces controls on production of the materials used to make nuclear weapons, negative security assurances and the prohibition of use of nuclear weapons. These are all issues that the CD has been seeking to address. This could be accomplished by setting up one working group on nuclear disarmament with three sub-committees on the express understanding that negotiations in the committees are linked.

Such an approach would not preclude adopting a fissile materials treaty, or NSA or prohibition of use instruments, prior to adoption of a convention or framework agreement on nuclear disarmament. But it would place fissile materials negotiations where they belong, in the context of nuclear disarmament. A process parallel to the CD must be structured so that an agreement on fissile materials, in its design, negotiation, and implementation, is embedded in an explicit disarmament context, and contributes directly to complete, verifiable, irreversible elimination of nuclear weapons.

As for the rules of procedure: we suggest GA rules, that is, taking decisions by a two-thirds majority, or the rules for negotiating the cluster munitions convention, that consensus is pursued but voting is permitted if “all feasible efforts to reach general agreement have failed.”

Many states in the CD insist that the consensus rule cannot be tampered with. But the consensus rule has been used for years in this forum as a veto. Consensus can be a tool to ensure that the mighty do not subordinate the weak to their interests. But consensus is also used time and again by the powerful to prevent progress on measures of collective security.

An underlying question is this: Should nuclear disarmament negotiations be carried out in a UN setting or by a handful of nuclear-armed states? If we want a global, multilateralist approach, in the UN, an absolute consensus rule is not likely to be appropriate. In the case of the partial test ban and non-proliferation treaties, not all nuclear weapons possessors participated in negotiations or were initial parties. And the Comprehensive Test Ban Treaty was not adopted on a consensus basis. The pattern may be the same in the future.

So the peculiar tyranny of consensus must be ended. In negotiations, states of course would bear in mind how decisions on substantive matters could affect prospects for objecting states to eventually join the treaty.

In conclusion: It is past time for the General Assembly to act!