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Since 2000, non-governmental organizations (NGOs) based in New York have been working together to share monitoring and reporting responsibilities in an attempt to make the work of the UN General Assembly First Committee on Disarmament and International Security more transparent and useful for those not based in New York.

These services include:

* Posting statements, draft resolutions, and First Committee background information online at: http://www.reachingcriticalwill.org/political/1com/1comindex1.html#2003,

* Preparing weekly reports summarizing statements and discussions in the First Committee and tracking key themes,

* Providing information as requested to individuals by email or phone, and

* Distributing to the First Committee the materials of NGOs who are not in New York.

The First Committee Monitor is edited and coordinated by Reaching Critical Will, a disarmament project of the Women’s International League for Peace and Freedom. The opinions expressed herein are not necessarily those of the Editors, WILPF, or RCW.
Many of us in the disarmament community are now wrapping up five weeks' worth of deliberations and negotiations, report drafting and position crafting, briefings and meetings and backroom haggling.

And what of it?

What will prove to be the results of the past month? How will these labors- on the part of the Bureau, delegations, and non-governmental organizations- pay off in the course of history, or, at least, throughout the next year? What concrete steps were put into place through this body, and how do we move further?

This week's Monitor, the last in a series of five, works to provide a general overview of the issues deliberated and acted upon in this 58th session. In addition to the topics normally covered in this publication, we have included a few others, such as Multilateralism and Confidence-Building Measures, the deliberations of which proved to be a deeply politicized process. (See "Multilateralism" report page 4 and "Confidence Building Measures" report page 19.) Others, like "Nuclear Testing" and "Negative Security Assurances," have already been covered in this publication, and we urge readers to refer to the previous reports: www.reachingcriticalwill.org/political/1com/1com03/FCM/FCMindex.htm.

One of the more disappointing outcomes, to be sure, was the prolonged vote taken on draft resolution L.1, on the very last day of the session. The lead sponsor of the draft resolution, Japan, worked tirelessly to amass a consensus vote on the illicit trade in small arms and light weapons (SALW), yet the diplomatic community was forced to take a vote in spite of these efforts. 167 States voted yes, nobody abstained, and just one, solitary vote was cast in opposition.

The statement given by the United States in explanation of its lone negative vote expressed disapproval for the budgetary requirements. Citing "fiduciary discipline," the United States could not approve of spending previously unbudgeted money for a working group on an international convention on tracing SALW.

Some believe that the "fiduciary discipline" reasoning is merely a cover-up for hidden agendas, or a mask on the lobbying power of pro-gun groups, which work the First Committee just as hard as the disarmament groups that bring you this publication.

Budgetary concerns and NRA lobbyists aside, something more significant developed here in New York these past few weeks. Ironically enough, one of the more decisive implications for power was demonstrated in the adoption of a resolution without a vote.

As the report on First Committee Reform discusses, the adoption without a vote of L.15 on "Enhancing the contribution of the First Committee to the maintenance of international peace and security" by no means implies that the resolution was unanimously supported. In expressions of caution toward an initiative with a dubious inference, States like Pakistan and Cuba challenged the fundamental framework of security that has become a truism, an untested discourse on war, peace, and security. Two years have passed since that ominous day in September, and we are beginning to witness a break in the consensus that situates that day as the beginning of a period. Pakistani Ambassador Umer doubted the "honesty" of the "lead sponsor," as efforts to implement already existing resolutions are completely absent from the draft resolution L.15. Nearly shouting in the Committee, the ambassador asked, "which of these resolutions is implemented?" Cuba's Ambassador Lopez affirmed that nothing can "make up for the lack of political will" from the largest States.

How can measures on security be implemented, if the security framework is not universally defined? What implications does this disagreement have on future negotiations for peace?
Introduction continued

How will the world’s global body meet this challenge?

In this egalitarian forum, free from the confines of archaic veto powers, critical resolutions are passed and forgotten. As Ambassador Lopez’s statement attests, the ineffectiveness of these resolutions is often attributed to the lack of political will. Yet as the records of voting show, whose political will is lacking? Those States with the largest armies, the highest military expenditures, with the most dangerous and truly evil weapons in their arsenals consistently vote in opposition to the most important disarmament measures. How can we expect political will to arise from those most powerful States that uniquely benefit from the status quo? Why would they muster political will to reduce arms, when its grotesque expenditures and unprecedented arsenals are precisely one of the ways in which they rose to the top of the global totem pole of power?

The problem of implementation of resolutions, then, cannot be attributed to a "weakness" of the First Committee, of the General Assembly, or even of the entire United Nations. The perpetuation of nuclear prestige, the immoral and illicit sale of weapons, the militarization of space, the stalemate in the CD, the inefficacy of the UNDC- these problems that hold all of us in an arrested development in our evolution are not attributable to our collective weakness. Rather, as Foucault once wrote, "The paralysis of justice (is) not due so much to a weakening as to a badly regulated distribution of power, to its concentration at a number of points and to the conflicts and discontinuities that resulted."

It is precisely this vote-less adoption of L.15 that suggests the most profound outcome of this session: questioning the framework defined by the powerful, which thereby challenges the very holding of power at hand.

The new century before us is still young. Though it was ushered in with the deaths of 3,000 and wrongly avenged with thousands more, it is not too late for the twenty-first century to re-define power for the next. No longer shall power be equated with nuclear weapons and mortifying arms expenditures. No longer shall we respect those who act selfishly in the name of national interest at the cost of global security. No longer shall the rich and powerful profiteers of blood dictate policy to the people’s representatives, who in turn betray those they purport to protect. Power will arise in the combined strength of multilateralism; it shall manifest in the bravery and patience that is cultivated through diplomacy and non-violent means. The world shall be defined by the majority of the world's people who all yearn to live in a prosperous peace, free from the specter of war.

"...and they shall beat their swords into ploughshares..."

-Rhianna Tyson
Reaching Critical Will

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Women's International League for Peace and Freedom
Multilateralism

On behalf of the Non-Aligned Movement, for which it is the coordinator, Malaysia sponsored the resolution "Promotion of multilateralism in the area of disarmament and non-proliferation" (L. 26). Referring in the preamble to its "continuous erosion," the resolution "reaffirms multilateralism as the core principle in the area of disarmament and non-proliferation." It also requests states parties "to consult and cooperate among themselves with regard to cases of non-compliance as well as on implementation, in accordance with the procedures defined in [WMD] instruments, and to refrain from resorting or threatening to resort to unilateral actions or directing unverified non-compliance accusations against one another to resolve their concerns." The latter provision, repeated from last year's similar resolution (A/RES/57/63), of course has heightened relevance in view of the unauthorized U.S./UK war on Iraq and the subsequent failure to find evidence of recent Iraqi WMD programs. A preambular paragraph recognizes the "complementarity of bilateral, plurilateral and multilateral negotiations on disarmament," but no reference to non-multilateral negotiations or other actions is made in the operative paragraphs.

The First Committee adopted the resolution by a vote of 104 to 10 (Bulgaria, Latvia, Italy, Israel, Micronesia, Poland, Portugal, Spain, United Kingdom, United States) with 44 abstentions, a result similar to last year's. In explanations of abstentions or negative votes, countries did not specifically commenting on the question of multilateral response to non-compliance. Canada praised multilateralism while noting that multilateral negotiations are "not, as is implied in that text, the only fundamental means." Canada also stated that it "has problems" with the "tone" of other parts of the resolution, stating that the resolution "could actually limit the options available to and required by the global community." Speaking on behalf of the EU in explanation of its members' inability to vote for the resolution, Italy stated that it does not give "sufficient credit" to the role of unilateral, bilateral, and plurilateral actions. Switzerland and Australia made the same point. Australia added that it does not see "continuous erosion" of multilateralism in this field.

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Missiles

By mid-20th century, only a single country possessed missiles with ranges of 150 kilometers and above. By the end of the cold war, at least 30 countries possessed these weapons delivery vehicles, one of the more versatile, popular, and destructive war-fighting tools today.

According to the Secretary-General's report of 2002, "While the estimated total number of missiles built during the Second World War was around 35,000, by the end of the cold war the estimated total global missile holdings stood at over 120,000 missiles with ranges of 150 kilometres and above, with the bulk of these being in the possession of the Union of Soviet Socialist Republics and the United States of America. There was also a rise in the number of very short-range missiles or rockets with ranges under 150 kilometres. Since the end of the cold war, the proliferation of various kinds of missiles, especially ballistic and cruise missiles, has spread and, armed with conventional warheads, missiles have continued to be used in military operations."

This report of the SG was based upon the consensus-driven work of the Group of Governmental Experts (GGE) that was established in 2000 by the Iranian-sponsored resolution (56/24). This Group—the first UN attempt at addressing the problem of missiles, "was not a forum for negotiation, but a forum for discussion of the existing situation and trends, as well as for exploring realistic and inclusive options for addressing all aspects of the issue." In the report, "all aspects" included a look at: background, existing capabilities, missile characteristics, peaceful uses, driving factors in the acquisition and development of missiles, and measures related to missiles.

While the need to address missiles is urgent and widely recognized, the Iranian draft resolution remains far from achieving universal acceptance. This year, L.4 garnered 90 votes in favor, 3 votes against, and 59 abstentions. (This was only the slightest modification from last year, when 90 voted in favor, 2 against, and 57 abstained. Micronesia joined Israel and the U.S. in voting against this year.) This is largely due to antagonism between members and non-members of the Missile Technology Control Regime (MTCR), a group of 33...
States that agree to restrict their exports of missiles and related technologies capable of carrying weapons of mass destruction or a 500-kilogram conventional payload at least 300 kilometers. None of the draft resolutions on missiles refer to the MTCR, which is viewed by members as a rebuff to their group's legitimacy and efficacy. Out of the 33 members of the MTCR, only four- Brazil, South Africa, Russia, and Ukraine- voted in favor of draft resolution L.4.

This year, many of the States that abstained from voting explained that they did so because the resolution failed to acknowledge the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC).

The HCOC was an attempt of MTCR members to address the conclusions of the Secretary-General's report that, "at present no universally accepted norms or instruments to deal specifically with missile related concerns in all their aspects exist."

Established in November, 2002, the Code is intended to establish a universal norm in "the development, testing and deployment of Ballistic Missiles capable of delivering weapons of mass destruction, including, where possible, to reduce national holdings of such missiles" according to its text. With 106 members, it is undoubtedly a step towards the establishment of universal norms. However, not all States remain satisfied with the Code. States such as Cuba insist that the Code does not properly take into account peaceful uses of missiles for space programs. While the HCOC is explicitly linked to the Outer Space Treaty (OP 3 calls for its ratification of the OST and relevant treaties), it could be perceived that the HCOC actually discourages space technology-sharing by requiring States to "exercise the necessary vigilance in the consideration of assistance to Space Launch Vehicle programmes in any other country so as to prevent contributing to delivery systems for weapons of mass destruction, considering that such programmes may be used to conceal Ballistic Missile programmes." (OP 3.d.)

The first Group of Governmental Experts report did not recommend a single course of action, but rather urged "continued international efforts" within, and apart from, the UN framework. Next year, it is highly likely that there will be a draft resolution on the HCOC. Hopefully, the new GGE established by draft resolution L.4 will be used to galvanize more support for the issue, and to bridge the divide between HCOC members and non-members, putting forth one single resolution on the subject that can be agreed to unanimously.

Perhaps those who are committed to establishing norms should forgo the "do as I say not as I do" approach and stop qualitative improvements on missiles and new missile designs. Or, as part of the effort to universalize the Code, members should address the concerns of the non-members by more thoroughly differentiating between peaceful uses and military uses of missiles. A good first step would be to prevent the militarization of outer space, and work toward achieving universalization on that would-be treaty.

To stay abreast of developments with the new GGE, be sure to subscribe to the Reaching Critical Will email list: gensubscribe@reachingcriticalwill.org. For more information on missiles, see: www.reachingcriticalwill.org/political/missiles/missileindex.html.

-Rhianna Tyson,
Reaching Critical Will
First Committee Reform

After weeks of informal consultations, thematic debates, closed sessions, and NGO briefings, the only draft resolution on the subject of First Committee reform (58/L.15) was adopted by consensus on Wednesday. The resolution's sponsor, the United States, successfully recruited forty co-sponsors to sign on in the weeks before the resolution was adopted without a vote.

In his final statement as Chair, Ambassador Sareva announced that he will "prepare an assessment of the informal exchange of views on our working methods," which he will share with the President of the General Assembly, his successor, and the Committee.

While no State formally requested a vote, several expressed serious reservations about the initiative on "Improving the working methods of the First Committee," nonetheless. Perhaps no other consensus draft this session solicited such a heated debate.

Wide-Ranging Consultations

Several states commended the Chair for pursuing the issue in various ways, while others congratulated the U.S. for turning the initiative into a resolution, noting with appreciation the wide-ranging consultation process conducted by the U.S. delegation in the drafting stage. India applauded the "constructive approach" and regarded the resolution as a "platform for discussion". Brazil appreciated the efforts "to take into account other delegations' concerns", while the Iranian delegation welcomed the opportunity granted to make "its views clear during consultations".

Reform in the UN

As discussed in this publication, (see "First Committee Reform" report week 1), much of the original debate around this issue focused on contextualizing First Committee reform within the General Assembly as a whole. While the GA President Hunte has met with the Chairs of all of the Committees, perhaps no other Committee has pursued the initiative with a greater zeal than that of the First. With this leadership role in mind, Iran stated that it "joined (the) consensus" believing that "this could facilitate" overall GA revitalization, and, according to Brazil, should "not be considered outside the view" of this context. Côte d'Ivoire reaffirmed the NAM position that reform "cannot be dealt with in isola- tion" of the GA, in order to "avoid piecemeal approaches," as warned by Iran.

Procedure vs. substance

The backroom discussions on First Committee reform focused largely on the scope of the process. The Chair held the view of many, expressing in both his informal briefing to NGOs as well as in his final statement, that consensus will most likely be reached on issues of procedural, rather than substantive reform. Time management, agenda overhauling, and earlier elections of the Bureau are all on the Chair's "laundry list" of action.

The operative paragraphs of draft resolution L.15 call for nothing more than a report from the Secretary General to solicit the views of Member States on the issue. Yet even this standard and seemingly benign request is viewed, by some, as politically charged and with substantive implications. Iran believes that "the current draft should have been merely procedural and (that it) not touch substantive issues. However," he stated, "it did." Pakistan expressed impassioned concerns over preambular paragraph 1, which contextualizes the need for reform in a "post-September 11 period." Cuba agreed, asserting that any purported link between enhancing the efficacy of working methods and "the date that would characterize a crime" is "not relevant." "Why is this linked?" asked the Pakistani delegate. "Perhaps the original sponsor would wish to shed some light on this."

Hidden agendas and deep distrust

Any initiatives undertaken by the world's sole superpower is guaranteed to raise suspicions by many in the international community. While some regard this reaction as "knee-jerk anti-Americanism," one needs only to look at the voting records of all resolutions tabled to ascertain that the United States is often alone, or in the company of a small few, in its views. Many States disagree with the United States' conception of "new and existing threats," which is included in preambular paragraph 1 of the draft text. The gravest threats to international security, asserted Pakistan, include "the occupation of foreign lands," "the growing corrosion (of the) concept of multilateralism" and the "insidious concept of pre-emptive military strikes." Speaking extemporaneously, Pakistani Ambassador Umer

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declared, "I ask you: how would improvement (of the First Committee procedure) result in the reduction of nuclear weapons," the continued existence of which, he asserted, remains the greatest threat of all. In this resolution, said Ambassador Umer, "we see...an attempt to play games...(that) we will not allow here."

While Pakistan did not contend the consensus on the resolution, Umer asserted that Pakistan "would have accepted the honesty of the lead sponsor if they called for implementation" of any resolution. This "honesty" was questioned by Cuba as well, which asserted that while "real effective reform" is needed, nothing "can make up for the lack of will" from the world's most powerful States.

A Silver Bullet

While expressing sincere appreciation for this initiative, many States warned against viewing reform as a silver bullet solution that will ensure a more secure and peaceful world. Pakistan expressed hope that the resolution will "launch a serious and honest effort- not just optical illusions- to enhance the efficiency and effectiveness of this Committee." India noted that this "important resolution" "provides a platform for furthering our work," and warned "not to hang all our problems, difficulties, or frustrations" on the issue of reform. Revitalization, stated Ambassador Trezza on behalf of the E.U., "is not a task to be settled once and for all," and in order for this body to remain relevant, the community must "keep abreast of security challenges that need to be addressed." Côte d'Ivoire reminded the Committee that reform will not solve all of the problems, as the "slow pace of nuclear disarmament cannot be attributed" to the First Committee redundancy, the CD deadlock, or the CTBT's prolonged entry-into-force.

The bottom line

The Côte d'Ivoirian delegation implied what many States already recognize: that even the most radical overhaul of the entire system would not alter the indisputable reality that nuclear weapons pose the greatest threat to security, and that no State is secure under the shadow of their existence. The international community now holds 58 sessions' worth of progressive, forward-thinking, and life-saving resolutions. Real, effective reform should start with implementing the resolutions, treaties, and agreements already in existence. "If we begin to implement the decisions of the GA and the Security Council," said Ambassador Umer, "is there any other way" to peace?

Chairman Sareva is clearly committed to furthering this campaign, and, under his leadership, some of the modest reforms put forth in non-papers, statements, and informal consultations will most likely be carried out over the next few months. In addition, a critical component to "getting the horse out of the stable", as analogized by the Vice-Chair, is the responsibility of the NGO community to keep this discussion alive and progressive. To stay updated on all of these developments and more, be sure to subscribe to the Reaching Critical Will general email list: gensubscribe@reachingcriticalwill.org.

-Rhianna Tyson and Julika Erfurt,
Reaching Critical Will
In the past half of century of arms control measures, a network of political bodies has been established to meet the ever-increasing threat of arms to international peace and security. As these threats change over the course of history, so too must the machinery established to meet them.

Yet redefining the machinery in a consensus fashion will remain a dream so long as the definition and prioritization of these threats remain contested. (See "Introduction, page 2, and "First Committee Reform" report, page 6.) For some, halting the spread of nuclear weapons is the best guarantee for a secure world. Others remain convinced that the elimination of weapons of mass destruction is the only path to peace.

Thus these various bodies convene and disperse with few results. The Conference on Disarmament, for instance, the sole multilateral forum for negotiating treaties, has remained deadlocked for seven years. The Disarmament Commission (UNDC), the universal deliberative body, failed to reach consensus on its two agenda items this spring. Some States look back on what is now referred to as the miraculous consensus document that emerged out of the first special session of the General Assembly, the SSOD I, and call for a fourth convening of that body.

The CD stalemate, the UNDC futility, and the absence of an SSOD are not new areas of concern addressed in the GA. This year however, the discussion of a new arm of disarmament machinery emerged in various forms. In 1999, the Security Council established a United Nations Monitoring, Verification and Inspections Commission charged with verifying the dismantlement of Iraq's biological, chemical, and missile programs. Although a bloody and ongoing war prevents this commission from completing its mission in Iraq, many in the disarmament community recognize the need to retain the institutional memory of this group and establish a permanent international corps of inspectors.

Yet what form would an institutionalized UNMOVIC take? While the discussion of a permanent inspections regime did not ripen into a draft resolution this session, many States and NGOs utilized the opportunity of the First Committee to push this discussion forward.

How did the First Committee view the current state of disarmament machinery? What steps will be taken in order to further the disarmament and international security agenda over the next year?

The Conference on Disarmament

As discussed in depth in this publication and elsewhere, one of the more prominent concerns in the disarmament community remains the state of deadlock in the Geneva-based Conference on Disarmament. To date, the most recent effort to end the stalemate is the effort of five Ambassadors, from Algeria, Belgium, Chile, Colombia and Sweden. They proposed the creation of four ad hoc committees, on Negative Security Assurances, on Nuclear Arms, on Banning the Production of Fissionable Materials for Weapons and on the Prevention of an Arms Race in Outer Space. The mandate for the Prevention of an Arms Race in Outer Space would not include negotiation of a new treaty, as some powerful countries refused to consider moving forward on PAROS. With China's recent acceptance of the A5, (see "PAROS" report week 3) the onus remains on the United States to agree to commence negotiations on an FMCT. (See "Fissile Materials" report, week 4).

Several countries addressed the foundations of the impasse in the CD in a variety of ways. The U.S. and Germany claim that the deadlock is due to the attempt to link other issues (PAROS, nuclear disarmament, security assurances) to negotiations on an FMCT. Malawi commented generally regarding the CD impasse "that unless the nuclear powers show sufficient flexibility and practical commitment to nuclear disarmament, we will always be confronted with this serious challenge, and at times, open disagreements that do not contribute to, nor promote international peace and security." (See "Disarmament Machinery" report week 2.)

The draft resolution on the CD is similar to previous years, and highlights the need for cooperation and substantive work. However, the 7th preambular paragraph of the L.5 resolution "stressing the urgent need for the conference to commence on its agreed agenda items at this juncture" is new and forceful. This is the first time the General Assembly has addressed the stalemate in the CD in such a political way. Ambassador Inoguchi of Japan, among many others, believes it sends a "clear political message" to the CD to break the impasse. A paragraph requesting Member States to cooperate with

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the CD President in order to achieve consensus was also added, a second sign of a political push towards substantive work.

SSOD IV

The first SSOD, which created the disarmament machinery, was convened in 1978, followed by the second in 1982, and the third in 1988. In the fifteen years since then, the General Assembly has been unable to achieve the consensus to convene a fourth SSOD. The Working Group on the Fourth Special Session on Disarmament has been unable to decide on the objectives and agenda for the SSOD IV, the first step necessary to convene an SSOD IV.

Many states reiterated their calls for a Fourth SSOD, including Nigeria on behalf of the African Group of States. Malaysia on behalf of the Non-Aligned Movement has tabled draft decision A/C1/58/L.25, "Convening of the fourth special session of the General Assembly devoted to disarmament" (SSOD IV), in which an open-ended working group, working on the basis of consensus, would be formed. It calls for a report from this working group to be submitted before the end of the 60th session. South Africa tabled a similar resolution last year, A/C1/57/L.8. According to Malaysia, an SSOD would be a strong reaffirmation of multilateralism in disarmament and security issues.

Malaysia, on behalf of NAM, initially introduced the draft resolution L.25, but despite valiant efforts, couldn't achieve consensus and withdrew the resolution. They substituted draft decision L.61, which was adopted without a vote. While both L.25 and L.61 request the open-ended working group to consider the objectives and agenda, as well as possibly establish a preparatory committee, for an SSOD IV, the resolution considered an SSOD an opportunity to "mobilize the international community and public opinion in favor of the elimination of nuclear and other weapons of mass destruction and of the control and reduction of conventional weapons." The specific discussion of elimination of nuclear weapons is often a sticking point.

UNDC

Beginning in 2000, the United Nations Disarmament Commission (UNDC) has chosen to limit its agenda to two items in order to allow maximum consideration on those items. For the past three years, the two items for consideration have been "Ways and Means to Achieve Nuclear Disarmament" and "Practical Confidence Building Measures in the Field of Conventional Arms," neither of which have made any substantive progress.

The Report of the Disarmament Commission (A/C1/58/L20) is very similar to what we saw last year, with 2004's substantive agenda to be determined at meetings starting next month.

A Permanent Corps?

As stated before, talk of institutionalizing a permanent corps of inspectors has not evolved from the phase of brief references and backroom discussions. The preliminary discussion focuses on the body's mandate, subject matter, and institutional location.

In his statement to General Assembly, French President Chirac proposed that a permanent corps of inspectors be placed under the Security Council, requiring it to report both to the Council and the Secretary-General. Canada expressed cautious support for this new idea of "fact-finding teams" but favors it to be placed in the Department of Disarmament Affairs, not the Security Council. The United Kingdom noted it would support fact-finding missions on a more ad-hoc basis, keeping resource constraints in mind. The United Kingdom has, however, recognized the need to maintain UNMOVIC's institutional memory.

While in Iraq, UNMOVIC was charged with inspecting the State's chemical, biological, and missile programs, leaving the nuclear question to the International Atomic Energy Agency. Most agree that all issues relating to chemical weapons development should remain under the authority of the OPCW. (See "Chemical and Biological Weapons" report, page 16). While the time may indeed not yet be ripe for a resolution or concrete proposal on this initiative, members of the disarmament community, including non-governmental organizations, carry the responsibility to consider the implications of a new body wherever it is situated. There is a general sentiment that such a body would earn more support and credibility if placed in the Secretariat under Under-Secretary-General Abe and the Secretary-General. If this new body were to be placed under the DDA, it would certainly elevate the visibility of the body, and perhaps reinstate that badly under-funded, yet crucially important body within the United Nations system. Having to refer to the DDA to access the reports, the disarmament lens would be employed in Security Council deliberations on the findings of that body, which would surely benefit the

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Prevention of an Arms Race in Outer Space

The First Committee voted on draft resolution L.44, as introduced by Sri Lanka on October 21, with traditional co-sponsorship by Egypt, as well as support from China and the Russian Federation and a host of non-aligned states. Only 3 States abstained from the vote and no State opposed.

This was the largest vote for PAROS in many years, and the First Committee held a short thematic debate on PAROS, in which Russia, China, Canada and a number of other states participated. Despite receiving the largest level of support for many years, the resolution has yet to be taken seriously, and little reference was given to the weaponization of outer space.

In its explanation of vote on this draft resolution, Italy (on behalf of the E.U. and numerous aligned countries) stated that they regarded the CD as the only appropriate multilateral negotiating body for addressing PAROS issues, which would have to have a mandate subject to agreement by all. The resolution invites the CD to form an ad hoc PAROS committee, if agreement on the A5 Initiative is reached, noting the fact that the legal regime applicable to outer space does not, as it currently stands, guarantee the prevention of an arms race in outer space and thus needs to be reinforced and expanded. The E.U.'s priority for work in the CD, however, is the FMCT, as that issue is perceived to have more support.

Some States do not support pushing a PAROS treaty further in the CD, although they do not bother to include a reference of "non-support" in their general statement. Croatia, however, expressed just that. Croatia believes that "the climate...is still not ripe" for PAROS discussions, and that "The CD should start work on those areas where agreement already exists and work towards gaining consensus on those issues."

Others in the Fourth Committee session noted the importance of the draft resolution despite its redundancy of resolutions past. Although the current resolution was identical to the PAROS resolution of 2002, the politics surrounding it have sharpened in recent years.

The resolution also calls upon all states, particularly those with major space capabilities to contribute actively to the peaceful uses of space and to the disarmament cause. Others, remembering the fact-finding missions of the League of Nations, are worried about the effects of a body whose reports might not stimulate an effective- not necessarily military- multilateral response. In addition, perhaps the establishment of a permanent capability to investigate and verify suspected biological and missile programs would challenge what seems to be an intensifying reliance on national intelligence and unilateral responses outside the UN nonproliferation treaties framework.

Revitalizing the CD, the UNDC, the First Committee, even establishing new bodies for compliance and transparency are all important initiatives, to be sure. Yet, perhaps we should take our cue from the Côte d'Ivoirian delegation, which asserted that "the slow pace of nuclear disarmament cannot be attributed" to the stalemated bodies. Revitalization, after all, also includes abiding by existing procedures and implementing decisions and treaties already established.

The existing disarmament and nonproliferation regime is a closely linked network of various bodies, charged with different mandates to achieve the same goals using different methods. What is needed, however, is an entirely new approach to revitalizing these bodies, keeping in mind the networked linkages between them. 66 States are members of the CD, 191 are Party to the NPT, and all States are welcomed into the UNDC and the First Committee. The duplicitious referrals from one stale body to the next must be addressed. In the NPT framework, for instance, matters are often relegated to the Conference on Disarmament, only to be deadened in that Geneva body.

The CD will convene again in January; to stay updated on the developments, subscribe to Reaching Critical Will’s CD News Advisory list by sending an email to: cdsubscribe@reachingcriticalwill.org. All archived CD News Advisories from 2003 are available at: http://www.reachingcriticalwill.org/political/cd/alerts.html.

- Rhianna Tyson, Reaching Critical Will and Jennifer Nordstrom, Global Action to Prevent War

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Fissile Materials

Unlike resolutions on nuclear disarmament, an issue which merits its own cluster within the First Committee and under which about half a dozen resolutions are tabled, resolutions on fissile materials are few and without debate.

While draft resolution L.49 on an FMCT in the CD was again adopted without a vote this year, the history of the campaign to ban fissile material production has been rife with debate and has undergone various changes, most notably over the issue of "existing stocks."

In 1993, the United Nations reached its first consensus on the resolution, "Prohibition of the production of fissile materials for nuclear weapons or other nuclear explosive devices." In order to achieve the consensus, the 1993 version of the resolution was modified to omit references to production and stockpiling. (See "Fissile Materials" report week 4.)

In March of 1995, the CD adopted a report agreeing to establish an ad hoc Committee to negotiate the proposed fissile materials ban. The report is referred to as the "Shannon Report" after Canadian Ambassador Gerald Shannon, the Special Coordinator.

However, due to differing interpretations of the ban, it took until 1998 for the CD to finally convene an ad hoc committee, which was chaired by Ambassador Mark Moher of Canada. Pakistan objected to the predetermined and narrow scope implied in the name "cut-off" and suggested the title, Fissile Material Treaty. Pakistan, Iran, Egypt and Algeria were several notable delegations that wanted to have the ban include existing stocks. India and nuclear weapon states argued that the UN resolution strictly implied a ban on future production. Another longstanding conflict which has frustrated negotiations is the linkage of the fissile ban to non-proliferation and/or nuclear disarmament.

In 2001, the resolution was adopted by consensus by using the minimal language agreed to at the 2000 NPT Review Conference. The resolution does not include the NPT's objective to conclude negotiations in a five year time plan.

At present, the future of a fissile material cut-off treaty remains unknown. As described in past editions of the Monitor, the likelihood of the CD commencing work on an FMCT is, at the moment, resting entirely on a green light from Washington, which has yet to approve the proposed agenda on the table. (See "Fissile Materials" report, week 4.)

The other draft resolution to reference radioactive materials is the draft resolution L.12, submitted by Nigeria on behalf of the African Group of States, on the prohibition on the dumping of radioactive wastes. In operative paragraph 2, the GA "expresses grave concern regarding any nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States."

One nuclear waste that is used in warfare is the controversial weaponized depleted uranium (DU). While depleted uranium (DU) munitions are not generally considered radiological weapons because the purpose of the DU is to strengthen weapons, rather than to cause injury or death from the radiation, the material, once used, remains in the soil and water long after the battle subsides. Scientific studies continue in the former Yugoslavia to determine the health and environmental impact of such weaponry.

As it has in the past, this draft resolution was again adopted without a vote. Had some States believed that this prohibition could apply to the use of depleted uranium munitions, Nigeria and the Group of African States would most likely not have enjoyed continued on page 12
In the statements made during the first two weeks, several countries congratulated Mongolia for establishing itself as a nuclear-weapon-free state.

Vietnam and the Lao People’s Republic lobbied for support of the NWFZ in South East Asia (SEANWFZ), which entered into force in 1986.

In the third week of the 1st Committee 2003, eight resolutions were presented in regards to NWFZS. One of these resolutions, A/C.1/58/L.24, it should be noted, is a draft resolution for a "zone of peace," not to be limited by being labeled as a NWFZ resolution.

Of these eight draft resolutions, there were two resolutions presented that dealt with previously existing NWFZ treaties, four dealing with the establishment of new zones, and two more general resolutions; these two being A/C.1/58/L.19 and A/C.1/58/L.40.

Mexico presented A/C.1/58/L.19, a new resolution proposing the creation of a new NWFZ Conference of States parties and signatories, but the resolution was withdrawn based upon a lack of available funding for the conference.

A/C.1/58/L.40, "Towards a nuclear-weapon-free world: a new agenda," was presented by Brazil, a country that offered three draft resolutions on NWFZS to the First Committee. Brazil presented A/C.1/58/L.40 on behalf of the New Agenda Coalition: Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden. This resolution was not voted upon until the fifth week of the meeting. It went through a revision on PP20, which had to do with missile defense and the weaponization of outer space.

The final voting result on PP20 was 117 yes votes, 39 abstaining votes, and 6 no votes, given by the UK, US, Israel, Japan, Australia, and Micronesia. When A/C.1/58/L.40/Rev.1 was voted upon as a whole, it received 121 yes votes, 38 abstaining votes, and 6 no votes. This time around it was the UK, US, Israel, India, France, and Pakistan voting such consensus.

Last year, Iraq tabled draft resolution 57/L.14 which was rejected by the First Committee with 35 votes in favor, 59 votes in opposition, and 56 votes in abstention. Perhaps, however, when and if that war-ravaged country organizes for itself a viable, internationally recognized government and is represented once again at the United Nations, they will sponsor the resolution again. By that time, perhaps the ongoing environmental and health studies on the effects of DU will have been completed and used to shed more light on this heavily contested issue.


For more on the history of the fissban, see: http://www.acronym.org.uk/fissban/index.htm.

-Marisa Tugultschinow and Rhianna Tyson
Reaching Critical Will

Nuclear Weapons Free Zones

Fissile Materials Continued

continued on page 13
Nuclear Weapons Free Zones Continued

against the resolution.

The two resolutions that dealt with existing NWFZS were A/C.1/58/L.6, and A/C.1/58/L.11.

A/C.1/58/L.6, "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)," was put sponsored by Brazil, and A/C.1/58/L.11, "African Nuclear-Weapon-Free-Zone Treaty (Treaty of Pelindaba) by Nigeria." Both of these resolutions were passed without a vote.

The four following draft resolutions were presented in regards to the establishment of new NWFZS.

Two of these draft resolution were brought to a vote, A/C.1/58/L.24, "Implementation of the Declaration of the Indian Ocean as a Zone of Peace," and A/C.1/58/L.38, "Nuclear-weapon-free southern hemisphere and adjacent areas."

A/C.1/58/L.24, "Implementation of the Declaration of the Indian Ocean as a Zone of Peace," was sponsored by Malaysia. This resolution was adopted with 110 yes votes, 42 abstaining votes, and three no's by the U.S., U.K., and France. The United Kingdom, on behalf of the three no-voting countries, explained that they had concern about rights of passage on the high seas. The resolution, unlike draft resolution A/C.1/58/L.38, does not affirm the freedom of navigation through high seas and rights of innocent passage through maritime space, an omission which likely contributes to the high number of abstentions.

A/C.1/58/L.38, "Nuclear-weapon-free southern hemisphere and adjacent areas," sponsored by Brazil, passed with 145 votes in favor, 11 abstaining, and 1 no vote from India.

Resolutions A/C.1/58/L.14 and A/C.1/58/L.22, which also dealt with establishing new NWFZS. Both resolutions were passed without a vote.

A/C.1/58/L.14, "Establishment of a nuclear-weapon-free-zone in Central Asia," was sponsored by Uzbekistan on behalf of the Central Asian countries involved.

A/C.1/58/L.22, "Establishment of a nuclear-weapon-free zone in the region of the Middle East" was sponsored by Egypt.

The US and Israel did not oppose L.22 this time around. Israel stated that it was joining the consensus on the NWFZ but that the nuclear issue should be dealt with in the context of the peace process and suggested that there is a need for a practical step-by-step approach and the final step of this process will be a NWFZ. Israel explained that the zone can only be established through direct negotiations between states in the region and if Israel's right to exist is recognized.

Several countries criticized Israel in their statements for proliferation of Weapons of Mass Destruction but most of the statements leading up to the voting had a positive slant and were made in support of previous NWFZ efforts, with voiced hopes about their expansion.

Wyatt Matthews
Franciscans International

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One aspect of proliferation that was unfortunately absent from this year’s crop of resolutions was a draft addressing vertical proliferation, the phenomenon of proliferation within countries that already possess these suicidal weapons. While a few courageous States referred to this dangerous trend in statements and explanations of votes - and we do commend States such as the New Agenda, Pakistan, Cuba, and Iran for raising the issue - how will the international community effectively halt vertical proliferation without the tool of a GA resolution to combat it?

Programs to promote control, accounting, and destruction of nuclear materials in the former Soviet Union are yet another critical component to combating proliferation. Many important bilateral and plurilateral initiatives are already dealing with this problem, such as the Cooperative Threat Reduction (CTR) program and the Kananaskis Initiative, or the "10+10/10", as it is sometimes referred. While the issue did not manifest in the form of a resolution to the First Committee, the U.S. Secretary of Energy and the Russian Minister of Atomic Energy held a bilateral panel discussion during the end of the Committee session, at which this issue arose.

Secretary Abraham discussed the CTR programs in place, attributing their "success" to the "exemplary cooperation" between the U.S. and Russia. First initiated by U.S. Senators Nunn and Lugar for whom the program is named, the budget for the program increased this year from $850 million to $1.3 billion.

The Secretary laid out three "fronts" to combating nuclear proliferation. First, he urged a commitment to reductions that are careful not to "sacrifice the benefits of peaceful uses" of atomic technology. He noted that a high level task force on reducing the threats to research and test reactors will soon be established. Second, ways must be found to prohibit countries seeking to "abuse" the NPT, such as, he said, North Korea and Iran, the latter of which "will affect how the nonproliferation regime survives and flourishes in the next years." Third, he called for tighter constraints on materials that could be used for "potentially evil purposes." This third front includes tighter international export controls and strengthened IAEA safeguards that will discourage the development of indigenous capabilities.

Minister for Atomic Energy Rumyantsev declared that "the quality of life...is determined by nuclear energy use." He acknowledged that Russia needs to find new ways "of dealing with" disposal of radioactive materials as part of the efforts to combat terrorist use of weapons of mass destruction. The NPT, he asserted, is "being sentenced to a rather severe test," but he remains "convinced that the Review Process" will succeed in strengthening the nonproliferation regime. While acknowledging the danger underlying the NPT bargain - referring to the codification of nuclear energy as an unalienable right - Minister Rumyantsev maintained that "nuclear energy presents a new model for mankind."

Perhaps these heads of Energy, like the governments they represent, are focusing too much on the wrong side of the NPT bargain. Indeed the NPT embodies Eisenhower's Atoms for Peace concept and endows all States Party with the "right" to this technology. But that is just half of the bargain. The panel presentation in the ECOSOC chamber demonstrates the undue emphasis on Articles I and II of the Treaty without the proper, balanced look at Article VI: the unequivocal undertaking to eliminate nuclear weapons.

Many diplomats in the disarmament community often refer to the imbalance between nonproliferation and disarmament. Some non-nuclear weapon States call for more attention to disarmament, while the nuclear-capable focus on curbing proliferation as a higher priority. What must be made clear, however, is that this perceived tension is false, and that the relationship between the two is indisputable. Efforts that do focus on one without taking into consideration the other are doomed to ineffectiveness. The New Agenda "omnibus" resolution L.40, for instance, garnered a positive vote from a new country this year, the distinguished State of Finland. In the past, Finnish representatives had abstained from voting on this prominent resolution, subscribing to the "realist" notion that nuclear weapons are here to stay and efforts at their elimination are futile. Yet it is exactly the proliferation security concerns outlined by Mr. Abraham, Mr. Rumyantsev and countless others, that have lead this Nordic country to see that it is the nonproliferation efforts that are futile in the absent of disarmament.

While it is nothing less than encouraging to watch Finland come into this realization, the real challenge continues on page 15.
No action was taken on verification and transparency resolutions during Week Five. Developments during the First Committee are summarized below, and are reported in more detail in previous issues of the Monitor.

**Verification**

Under decision A/C.1/58/L.48, "Verification in all its aspects, including the role of the United Nations in the field of verification," a resolution on verification will be on next year's agenda. In lieu of presenting the resolution this year, Canada initiated a discussion on measures to strengthen verification capabilities and procedures, for example the need to change the rules for dealing with situations where treaty-based verification and compliance efforts have been exhausted and the Security Council role is unclear, and whether UNMOVIC capabilities can be retained within the UN. See Monitor, Week Three, Verification and Transparency, http://reachingcriticalwill.org/political/1com/1com03/FCM/wk3.html#ve rif

**Transparency**

Resolutions that were presented to and voted on at the Committee this year dealing with transparency issues were A/C.1/58/L.32 "Objective information on military matters, including transparency of military expenditures," lead sponsor Germany, adopted by consensus; L.16/Rev. 1, "National legislation on transfer of arms, military equipment and dual-use goods and technology," sponsored by The Netherlands, adopted by consensus; and A/C.1/58/L.45, "Transparency in Armaments", lead sponsor The Netherlands, adopted by 140 to zero with 23 abstentions.

L. 32 calls for the introduction of "a standardized reporting of military expenditures" to "promote further openness and transparency in all military matters". L.16/Rev.1 calls for more effective national control of transfer of arms, military equipment and dual-use goods and technology and for information on such control to be provided on voluntary basis to the Secretary-General.

The only transparency resolution running into controversy was L. 45. In addition to calling for continued implementation of the UN Register of Conventional Arms, it endorses the recommendation lies in convincing the Nuclear Weapon States of this incontrovertible relationship. In the meanwhile, nonproliferation efforts will themselves multiply, and, if these measures do not contain the disarmament counterweight measures, their efficacy is dubious. These new efforts include a probable Security Council resolution in December, the continued discussion of a permanent corps of inspectors (see "Disarmament Machinery" report), a possible resolution on the Proliferation Security Initiative, and, last but not least, the last Preparatory Committee of the NPT in April. How will the parties to the "cornerstone of disarmament" reconcile their Treaty's precarious existence?

For more on the NPT see: www.reachingcriticalwill.org/legal/npt/nptindex.html.

To read the full text of Secretary Abraham's speech in the ECOSOC chamber, see: http://www.doe.gov/engine/content.do?PUBLIC_ID=14425&BT_CODE=PR_SPEECHES&TT_CODE=PRESS-RELEASE.

For more on nuclear energy and sustainable energy alternatives, see: www.gracelinks.org.

-Rhianna Tyson, Reaching Critical Will

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Chemical and Biological Weapons

In the first two weeks of the First Committee 2003, the delegates' statements that referred to chemical weapons were primarily statements of support for the CWC and OPCW.

Additionally, several countries specified what it was that they were personally doing to support the CWC and OPCW, for instance, Thailand hosting the Regional Workshop on the Universality of the CWC, Malawi's creation of a new National Authority to conduct work in regards to the CWC, and the U.S. and Switzerland's monetary donations to the cause of eradicating chemical weapons.

Japan was one of a number of states to remind the committee that it is important to strengthen the Chemical Weapons Convention as well as the functioning of the OPCW.

During the first week of the Committee meetings, Rogelio Pfrirter, Director-General, of the Organization for the Prohibition of Nuclear Weapons, made it a point to describe the OPCW's successes to date. The daunting task of both the CWC and OPCW has left room for concern over whether they will be able to meet their mandates.

To generalize, the overall outlook was acclaim with caution. Support was ever-present, but when it was given, it was given at varying levels, from all-out praise by Iran, which said that the "OPCW can be viewed as the only successful international disarmament regime," to more moderate examples of back-patting, like India, which stated plainly that the results of the review conference were "reassuring."

New Zealand, a state that has had a strong head on its shoulders in regards to the dangers of weapons of mass destruction, assessed that "The First Review Conference of the Chemical Weapons Convention demonstrated that the Chemical Weapons Convention is beginning to get into its stride."

The only draft resolution that would be put forth in the third week in regards to chemical weapons was A/C.1/58/L.41 "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and On Their Destruction," which was adopted once again without a vote in the fourth week. Its sponsor,
Poland, expressed its belief that the CWC is a "crucially and increasingly important element in the legal framework to strengthen international security and to solidify non-proliferation of Weapons of Mass Destruction."

This year’s draft contained some key changes: six operative paragraphs stressing universality, implementation, and, in paragraph 10, the fostering of international cooperation. The ground that has been paved so far appears to be solid but universal implementation of the CWC remains an ongoing challenge. 156 countries have ratified the Convention but some key states have not, including a number in the Middle East: Egypt, Iraq, Lebanon, Libya, Syria. Egypt has insisted that Israel must join the NPT before it will become a party to the CWC. Israel and Djibouti have signed but not ratified the CWC.

Biological Weapons

As reported last week, the resolution on the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, A/C.1/58/ L.37, was also adopted without a vote and there were no explanations before or after the vote. The resolution was introduced by Ambassador Tibor Tóth of Hungary who was Chairman of the Ad Hoc Committee that spent seven years negotiating the protocol that would have given the treaty a monitoring capability. It was the US that ended the effort to negotiate such a protocol. For more information on how this happened see the article by Nicole Deller and John Burroughs, "Arms Control Abandoned: The Case of Biological Weapons," in the World Policy Journal, Summer 2003, or at http://www.lcnp.org/disarmament/WPJbiows.pdf

Because there is no protocol that could provide the Biological Weapons Treaty with at least a monitoring capability there is interest in the fate of UNMOVIC which was established to ensure the destruction of any biological or chemical weapons and missiles in Iraq. The UN handling of the oil for food program, which also provided the funding for UNMOVIC's investigation of biological, chemical weapons in Iraq and of missiles is to be phased out by November 21. Presumably it will require action by the Security Council to either give UNMOVIC a new mandate or phase it out eventually. There is some money, perhaps as much as $200 million, still available to UNMOVIC, so this is an immediate concern. Nonetheless, the Security Council will eventually have to give UNMOVIC a new mandate or phase it out altogether. There is discussion of whether a new mandate for UNMOVIC should have it incorporated in the UN Department for Disarmament Affairs or whether it should be attached to the Security Council. It would seem worthwhile to have it incorporated in UNDDA, but of course available to investigate any future concerns the members of the Security Council may have about the development or use of biological weapons and perhaps other uses of WMD and missiles outfitted with WMD. (See “Disarmament Machinery” report, page 8)

The transcript of the panel discussion held in the UN on October 23 on “Reducing the risks posed by biological weapons,” which puts forth the argument for giving UNMOVIC a new mandate and other proposals, such as that of the Center for International and Security Studies for a Biological Research Security System, is now on the web site of the NGO Committee on Disarmament, Peace and Security: http://disarm.igc.org

Wyatt Matthews, Franciscans International

and

Ann Lakhdhir, NGO Committee on Disarmament, Peace and Security
Confidence-Building Measures

Resolution A/C.1/58/L.18/Rev.1, "Confidence-building measures in the regional and subregional context," sponsored by Pakistan, generated considerable controversy, in part because it implicates the longstanding regional dispute between India and Pakistan. Among other things, the resolution calls for the maintenance of military balance between states in regions of tension consistent with the principle of undiminished security at the lowest level of armaments. It also calls upon Member States to settle their disputes by peaceful means as set out in Chapter VI of the Charter, including as the preamble states "procedures adopted by the parties, including the most effective use of the International Court of Justice." It also requests the Secretary-General "to consult with the States of the regions concerned." The resolution was adopted in a close vote of 68 to 47 with 34 abstentions. States voting against the resolution included the United States, India, France, Israel, Germany, and United Kingdom.

Explanations of negative votes were made by states including the United States, Kazakhstan, EU, and India; explanations of abstentions included Argentina and Nigeria. These states generally held that the resolution is unrealistic, flawed, not balanced, and not useful in building confidence. The reference to "maintenance of military balance between States in the regions of tension and conflict" in operative paragraph 5 received particular attention, as did the call for involvement of the Secretary-General. India contended that in advocating military balance, the resolution unreasonably makes the same demands on diverse states who faced different security concerns. In India's view, the concept of parity is an outdated one, better suited for the Cold War. Further, according to India, the resolution seeks to drag the Secretary-General into an ambiguous role. India also said that the absence of references to terrorism shows the resolution's anachronistic approach. Nigeria abstained because the call for maintaining military balance cannot be realized and would not promote confidence-building. On behalf of the EU, Italy stated that some provisions of the resolution are "not in line with an overall and balanced approach. The concept of military balance[,] not in itself a confidence-building measure, and the request [for Secretary-General involvement], acquire a special meaning if applied to the context of specific geographic areas." According to the United States, in an apparent reference to the concept of military balance, Pakistan is asserting "principles that have very little to do with confidence-building measures and with which we do not agree". The United States also said that "multilateral disarmament institutions will become ever more irrelevant if they could not focus and address urgent security challenges," and warned against burdening the First Committee with "yet another perennial resolution whose underlying purpose is to bring a bilateral dispute into this body".

On a more positive note, in explaining his affirmative vote Brazil's representative said that while he was not comfortable with some of the language, the general thrust of the resolution is to promote confidence-building measures. He noted that Brazil has "registered the largest number of confidence-building measures in the appropriate mechanism within the Organization of American States." In replying to the various objections, Pakistan asked that states look at the text of the resolution rather than its sponsor.

The apparent objection of some countries that the resolution is aimed at the South Asian situation has formal merit in the sense that it purports to be a general text. However, the General Assembly does adopt resolutions dealing with specific regions, for instance L.23 on the Middle East and L.54/Rev.1 on Central Africa. The latter was adopted without a vote, with no explanations given, and bears some similarities to L.18/Rev.1 in its references to the role of the Secretary-General. Especially when there is a risk of use of nuclear weapons, bilateral disputes are not only a regional concern; everyone is eventually affected by the choices made. Where the Security Council is not effectively dealing with serious security issues, it seems appropriate for the General Assembly to step in. It too has responsibilities under the Charter, Articles 11 and 12. As Pakistan has long contended, if India would consent, the International Court of Justice also could be of assistance in resolving the dispute over Kashmir.

- Nya Gregor Fleron, Lawyers' Committee on Nuclear Policy
The First Biennial Conference on the Illicit Trade of Small Arms and Light Weapons was held in July of 2001, where the Programme of Action (PoA) was adopted. The First Biennial Meeting of States to Review Implementation of the PoA was held in New York this past July, and the implementation of the PoA was adopted by consensus. In 2001, a Group of Governmental Experts on Tracing Illicit Small Arms and Light Weapons was established by the General Assembly. In its July report to the Secretary General, it concludes that the development of an international instrument to enable States to identify and trace illicit SALW is feasible, and recommends that the Assembly decide on the negotiation of this tool at the current session.

Nigeria and Rwanda spoke at length in strong support of better arms controls, arguing that the failure of the international community to hold their manufacturers, agents and brokers accountable has been largely responsible for the uncontrolled proliferation of SALW in Africa.

Norway, with the Netherlands, is seeking to take the issue of brokering forward as only around twenty countries have legislation regulating brokering, and arguing that regional organizations should play a crucial role in helping to establish such legislation.

This Week

The major SALW Resolution, L1/Rev1, put forth by South Africa, Colombia, and Japan, was not adopted by consensus because the United States decided to unilaterally vote against it. There were no abstentions. According to the United States, this rejection was due to "the estimated cost of nearly $1.9 million for activities not previously budgeted, communicated to delegations in an unacceptably late manner through the associated PBI, L.56." Interestingly, the implementation of the Program of Action on SALW is one of the very few areas of disarmament in which any substantive work is being done, most other arenas of disarmament being unilaterally, or nearly unilaterally, blocked by the United States. Now, despite extensive consultations the United States has unilaterally blocked substantive work on implementing the PoA. In its explanation of vote, the United States claimed that "there was simply not enough time remaining in the current session to craft a solution acceptable to all delegations."

South Africa thanked the chair for its generous time allocation to the resolution (L1/Rev1 was supposed to go up for a vote on Monday, but was postponed until Thursday for continued efforts at consensus) and expressed its "deep regret" that despite the consensus enjoyed on earlier resolutions regarding the PoA has been broken during the actual implementation of it. Switzerland "deplores the impossibility of achieving consensus...[and] particularly regrets that the blockage [...] not from an issue of substantive, but an issue of finance."

A new SALW weapons Resolution surfaced this year, A/C.1/58/L.46/Rev.1 'Promotion at the regional level in the Organization for Security and Cooperation in Europe of the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in all its aspects,' to lukewarm reception. The French-backed resolution passed by consensus, but several countries, including South Africa and Cuba, were wary of singling out OSCE's work and supported a more multilateral approach to the PoA in the explanations of votes.

A large group of European and African states sponsored a draft resolution on Assistance to States for Curbing the Illicit Trade in Small Arms and Collecting Them (A/C.1/58/L.51), a resolution which we've seen since before the 53rd session.

CCW

The Convention on Certain Conventional Weapons (CCW), negotiated in 1980, is the primary instrument of international law regulating weapons that 'may have indiscriminate effects or cause unnecessary suffering or superfluous injury.' At the Second Review Conference of the CCW in 2002, States Parties established a Group of Governmental Experts (GGE) to study the problem of Explosive Remnants of War (ERW), not currently fully covered in the Protocol of the CCW. The GGE then asked for and received a mandate to negotiate a new instrument on "post-conflict remedial measures of a generic nature which would reduce the risks of explosive remnants of war," an area with very little international norms and rules. The next negotiating

continued on page 20
period is November 17-24, 2003.

The routine resolution "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects" (A/C.1/58/L.50) passed without a vote, and called on States that have not yet done so to become parties to the Convention and its annexed protocols.

Bangladesh, Nepal, Netherlands, Pakistan, Peru and Spain sponsored a resolution (L.10) on Conventional Arms Control at the Regional and Sub-regional Levels. This resolution would call on the Conference on Disarmament to consider the formulation of principles that would serve as a framework for regional agreements on conventional arms control. As the resolution, which we have seen before, was aimed primarily at the hostile situation between India and Pakistan, Mr. Varma, in his explanation of vote, asserted that India is not convinced of the productive value of calling upon the CD to deal with conventional weapons in their region. In addition, India feels that the "narrow definition" contained within the resolution does not reflect their security situation, and is far too restrictive.

The Netherlands' "National legislation on transfer of arms, military equipment and dual-use goods and technology," was adopted by consensus, with an explanation of vote by Cuba, stating its opposition to regimes that could be applied in a discriminatory, non-multilateral way. (See "Transparency" report.)

Draft resolution L.45 on transparency in armaments, underwent a bit of dissection, resulting in four separate votes: first, on OP 4 (yes-137; no-0; abstain-22), second on OPs 3, 4, and 8 (yes-138, no-0, 22-abstain), third on OP 2 (yes-138; no-0; abstain-22) and then finally as a whole: (yes-140; no-0; 23-abstain). With such a prolonged vote, many states felt the need to explain their votes. (See "Transparency" report.)

Landmines

Since the 2002 First Committee an additional 10 States have become acceded to the Ottawa Convention on Anti-Personnel Landmines, bringing the total to 139 States Parties and 150 Signatories. Italy, on behalf of the EU, claimed that this "leave[s] no doubt that an international norm has been established that can no longer be ignored." Many States expressed support for the success of the Ottawa Convention and implored non-States Parties to accede, but highlighted the continued injuries and casualties from landmines and urged increased resources devoted to mine clearance and victim assistance, including Mexico, Australia, South Africa, Peru on behalf of the Rio Group, Nigeria, Belarus, Uganda, Romania, Guyana, and Japan.

Norway advised that it has started the Resource Mobilization Contact Group to help mobilize resources on landmines, and Italy on behalf of the EU and China both said they are providing resources for APM destruction and clearance.

Turkey and Greece had joined the Ottawa Convention together and had simultaneously deposited their instruments of ratification on 25 September 2003.

Australia, Norway, Lithuania, Canada, Sweden, Norway, and the Republic of Korea expressed support for a protocol on mines other than anti-personnel mines. Russia stated that discussion have begun on restrictions on mines other than APM, and Italy, on behalf of the EU, expressed concern over the "serious humanitarian risks posed by irresponsible use of AVMs [anti-vehicle mines] which cause civilian casualty and hamper economic development."

The Thailand-sponsored landmines resolution (L.43) passed with 143 votes in favor, 19 abstentions, and no votes against. While this is far from consensus, there were no votes against, and the language of the abstentions has changed. Although the abstentions are still claiming their 'legitimate security needs' (Israel's favorite phrase) as justification for non-accession to the treaty, they are also supporting the values and concerns of the Ottawa Convention. Several countries, including India and Pakistan, said they would accept less comprehensive land-mine controls in either the CD or the CCW. Regardless, these objections are less intense and more accepting of what is becoming, as Italy stated, an international norm that anti-personnel landmines are unacceptable.

-Jennifer Nordstrom,
Global Action to Prevent War
Nuclear Disarmament

Week 5 saw the adoption of three nuclear disarmament resolutions, two sponsored by the New Agenda Coalition (see "New Agenda" report), and L.47, "Nuclear Disarmament," whose lead sponsor is Myanmar. L.47 was adopted by 101 to 43, with 18 abstentions. The no votes included NATO states and other U.S. allies and friends. Comprehensive in scope, L.47 calls for an immediate halt to development, production and stockpiling of nuclear warheads and delivery systems; dealerting and deactivating measures to reduce the operational status of nuclear weapons systems; implementation of the NPT 13 Steps; and the convening of an international conference on nuclear disarmament. China voted yes, but noted some of the measures called for are "premature" and that the "principle of maintaining global strategic stability and undiminished security for all countries" must be upheld including with respect to interim steps. Russia abstained, but offered no explanation of vote. The Japanese representative said "my delegation made the difficult choice of abstaining," citing as one of the reasons the preambular reference to a timebound framework for nuclear disarmament.

The entire five weeks of the First Committee mostly featured the recycling of resolutions on nuclear disarmament. With the partial exception of the New Agenda resolutions, there seemed little in the way of new and genuine substantive discussion or efforts to broaden support with changes in language. For instance, despite the heightened emphasis on possible use of nuclear weapons against non-nuclear weapon states in the doctrines of the United States and India, there was no movement regarding negative security assurances (see "Negative Security Assurances," week four). Given the staleness of the debate, one question is what does the profusion of resolutions accomplish? Surely fewer or even one resolution on nuclear disarmament would exert more pressure on the nuclear weapon states. Moreover, it would help in mobilizing global public opinion, whose potential power was on display in the opposition to the war on Iraq. As it is now, even for specialists, let alone interested members of the public, it is difficult to track the multiple resolutions and assess their significance, if any.

There are of course reasons why the status quo persists. A good one is that a given resolution often has particularly important elements which it is important not to lose in a process of compromise and consolidation. An example is the L.31’s underlining of the unanimous holding of the International Court of Justice that there is an obligation to bring to a conclusion negotiations on nuclear disarmament (see "Nuclear Disarmament," week four). Not so good reasons include inertia, habit, and the sponsoring of resolutions to enhance national prestige. It is not difficult to point to commonalities which could be taken advantage of in a process of consolidation, or failing that, parallel drafting. For instance, both the Japan-sponsored resolution, L.53/Rev. 1, "Path to the Total Elimination of Nuclear Weapons," and the New Agenda omnibus resolution, L.40/Rev.1, center on the NPT 13 Steps. L.47, above, also contains many elements of the 13 Steps and additionally generally calls for their implementation. Another commonality exists between L.31 on the ICJ opinion and New Agenda L.40. The first calls for achievement of a "nuclear weapons convention"; the second affirms in OP 28 "that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments." For an NGO analysis, see Merav Datan and Alyn Ware, Security and Survival: The Case for a Nuclear Weapons Convention (1999), online at http://www.ippnw.org/IPPNWBooks.html#NWC.

Working to reduce the number of resolutions would be difficult and carry risks of losing important elements – but it also would show a renewed intention of coming to grips with the dangers, intensifying in some ways, of the ongoing nuclear age.

- John Burroughs,
  Lawyers' Committee on Nuclear Policy
“Omnibus” Resolution

After several days delay due to efforts to obtain additional support, L.40/Rev.1, “Towards a Nuclear-Weapon-Free World: the Need for a New Agenda”, came up for a vote on November 4. It was adopted by 121 to 6 (France, India, Israel, Pakistan, United Kingdom, United States) with 38 abstentions. The result was similar to last year’s tally (118-7-38). Abstentions largely came from NATO states and other U.S. friends and allies, including Australia and Japan. Russia abstained. China voted yes. Finland moved from the abstention to the yes column, joining the small North American/European contingent of supporters composed of Austria and Canada along with New Agenda members Sweden and Ireland. Finland reportedly is concerned that if proliferation is to be stemmed, more must be done on the disarmament front. Canada remains the only NATO state to support the resolution. Germany indicated that it was close to voting for the resolution, noting that it had engaged in “very intense discussions” with the sponsors and that to its “great disappointment” they had not moved the “extra few yards” in drafting changes to gain Germany’s endorsement.

Like the 2000 and 2002 resolutions, this year’s draft sponsored by Brazil, Ireland, Mexico, New Zealand, South Africa and Sweden is centered on the 13 Steps of the 2000 NPT Final Document which lay out a plan for the reduction and elimination of nuclear arsenals in accordance with principles of transparency, irreversibility and verification. Disagreements this year reflected in part developments changing the application of the 13 Steps. They had called for “preserving and strengthening” the ABM Treaty, though in 2000 it was well known that that treaty was in jeopardy due to the U.S. drive for missiles defenses. Accordingly, rather than a reference to the ABM Treaty preambular paragraph (PP) 20 expresses “concern that the development of missile defenses could impact negatively on nuclear disarmament and non-proliferation and lead to a new arms race on earth and in outer space.” Relatedly, PP 21 stresses “that no actions be taken that would lead to the weaponization of outer space.” In a separate vote on PP 20, approved by 117 to 6 (Australia, Israel, Japan, Micronesia, United Kingdom, United States) with 39 abstentions, the following differences from the vote on the entire resolution emerged: resolution supporters Canada and Finland joined the abstainers; resolution opponent France abstained; and resolution abstainers Australia and Japan voted no. Now engaged in national debate and in discussions with the United States concerning participation in U.S. missile defense plans, Canada explained that given the contemporary threats posed by missiles and WMD, cooperation in the area of missile defenses could complement disarmament and non-proliferation efforts.

Regarding U.S.-Russian bilateral reductions, the 13 Steps called for bringing START II into force and proceeding with START III. The Bush administration since then has jettisoned the START process, turning instead to the Moscow Treaty. Unlike START II, which exemplified the principles of irreversibility and verification by requiring the monitored destruction of missiles, and the START III framework, which additionally envisaged the monitored dismantlement of warheads, the Moscow Treaty contains no requirements whatever for the verified elimination of a single warhead or delivery system. Further, the United States at least plans to retain a large “responsive force” of warheads capable of redeployment in weeks or months above and beyond treaty-permitted deployed strategic warheads of 1700 to 2200 by the year 2012. The resolution grapples with these realities, calling in operational paragraph (OP) 8 for application of “the principle of irreversibility by destroying their nuclear warheads and avoid keeping them in a state that lends itself to their possible redeployment” and in OP 9 for making the Moscow Treaty “verifiable, irreversible and transparent and to address non-operational warheads.” In a pathetic explanation of vote on behalf of itself, the United States and France, Britain addressed none of these concerns, stating only that the resolution implies that the Moscow Treaty “is not a nuclear disarmament measure” despite the reductions it brings. Here words will not do the job; it must be deeds. One way to meet the well-founded criticisms of the Moscow Treaty would be to take advantage of existing mechanisms to make the reductions irreversible and verified.

The resolution has changed in other ways since 2000 as well, notably by a rather full elaboration of the 13 Steps call for further reductions of non-strategic weapons, and by emphasizing the need for compliance with non-proliferation requirements, e.g. by stressing in OP 25 that the IAEA “must be able to verify and ensure that nuclear facilities ...
being used for peaceful purposes”. The provisions regarding non-strategic weapons raise their own difficulties (see below regarding the separate resolution), referred to in the Russian explanation of vote. In explaining its abstention, Russia also said generally that some of the provisions are untimely and impractical. Regarding their abstentions, Japan said vaguely that steps for nuclear disarmament should be “realistic and progressive,” and Australia stated that proposals need to be capable of winning wide support, especially from the nuclear weapon states. India and Pakistan’s position was that while they support the achievement of a nuclear weapon free world, in calling for their accession to the NPT and for the creation of a South Asia NWFZ, the resolution failed to recognize the reality of nuclearization in that region which can be addressed only through a global process.

Non-Strategic Nuclear Weapons Resolution

The second New Agenda resolution, L.39/Rev.1, “Reduction of non-strategic nuclear weapons,” was adopted by 118 to 4 (France, Russia, United Kingdom, United States) with 41 abstentions. China did not vote at all, on the ground that the concept and definition of such weapons is unclear. Among other things, the resolution calls for formalization of the 1991-1992 U.S.-Russian initiatives withdrawing nuclear warheads from short- and intermediate-range delivery systems “into legal instruments and to initiate negotiations on further reductions”; stresses the importance of security measures including placement of weapons in central storage sites with a view to their removal and elimination; and stresses the need for an undertaking not to increase the number of type of non-strategic nuclear weapons and not to develop new types of these weapons or rationalizations for their use. The preamble expresses concern “about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the possible development of new types of low-yield non-strategic nuclear weapons.”

In its explanation of vote, also delivered on behalf of France and Britain, the United States said that a “formal arms control approach would present problems of definition, fundamental verification problems, issues of access to sensitive facilities, vast force level asymmetries, and other major obstacles. NATO has proposed confidence-building measures in the NATO-Russia Council, which include measures to enhance non-strategic nuclear weapon transparency. The United States is also pressing, in the context of the bilateral U.S.-Russian Consultative Group for Strategic Security, for transparency aimed at increasing openness and predictability, and reducing uncertainty. We believe that such approaches … will prove most effective …” Russia said that its non-strategic nuclear weapons are protected from accidental or unintentional use by a complex system and that there had never been a breakdown in its nuclear storage facilities. Further, according to Russia, given that some nuclear weapons could be characterized as both strategic and non-strategic, the draft is often imprecise and unclear; it is not clear if it is possible to consider non-strategic nuclear weapons in isolation from other disarmament topics.

It would seem that the initial impetus for the resolution arises out of the continued deployment of perhaps 180 U.S. bombs deliverable by aircraft in several NATO countries, as well as the existence of several thousand warheads in Russia withdrawn from tactical delivery systems. The U.S. bombs are not on aircraft but are readily retrievable for deployment. The implication of the resolution seems to be that Russia’s arsenal should in a parallel fashion be placed in “central storage sites” as a step towards U.S./NATO agreement for withdrawal of U.S. bombs from Europe and further joint measures on reduction and elimination. The resolution in part addresses European concerns about the Russian stockpile, and the Russian representative was at pains to say that Russian weapons are already secure. The resolution does not demand that the only bombs in the world deployed on non-nuclear weapon state territory – U.S. bombs in Europe – immediately be removed. However, if a global principle is to be entrenched preventing the spread of nuclear arms by transfer or joint control, the U.S. bombs should be withdrawn now.

While the European-Russian nexus and the 1991-1992 U.S.-Russian initiatives may have inspired the resolution, it is written more broadly, and hence runs into the problems of definitions referred to by all three nuclear-weapon states. It is sometimes believed that weapons are “tactical” because they have lower yields. But non-strategic nuclear weapons historically have been understood in terms of the range of the delivery system. Even there, controversy arises. As Russia has objected, a “tactical” bomb deployed in Europe can reach Russia just...
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as a “strategic” warhead on a U.S. land-based ICBM. China has short-range and intermediate-range delivery systems which it may regard as just as important to its security as long-range systems. Further, the United States now has the capability to deliver bombs globally by U.S.-based aircraft, for example, the B-61-mod 11 earth penetrator, deployed in 1996 with “dial-a-yield” from a few hundred tons to a few hundred kilotons. The United States is also working on upgrading existing bombs for a high yield Robust Nuclear Earth Penetrator, which would be similarly deliverable around the world, as well as on design of “low yield” warheads and bombs, whose range of delivery may also not be restricted. The resolution call that new types of non-strategic nuclear weapons not be developed thus is problematic; it is unclear what category is covered and research on “strategic” warheads is not addressed in this resolution or (directly) in the omnibus resolution. In addition to the above-mentioned U.S. work, it is emphatically the case that research on upgrading all types of warheads and bombs in the U.S. arsenal, including “strategic” ones, is ongoing.


In view of these realities, and as reflected by the statements of China, the United States, and Russia, control and elimination of weapons beyond the long-range systems addressed (sort of) by the Moscow Treaty does indeed raise a host of difficult issues. It is to New Agenda’s credit that it is insisting that this aspect of a comprehensive disarmament process be addressed now. It also is important, however, that governments and civil society think very carefully, based on the latest information, about the elusive and sometimes misleading distinction between strategic and non-strategic weapons on which the resolution rests.

-John Burroughs,
Lawyers' Committee on Nuclear Policy

Regional Centers for Peace and Disarmament

Resolutions concerning regional centers, all adopted by consensus, were:

1) A/C.1/58/L.7, “United Nations Regional Centre for Peace, Disarmament, and Development in Latin America and the Caribbean,” sponsored by Costa Rica;
3) A/C.1/58/L.21, “Asia and the Pacific United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific,” sponsored by Myanmar,

The regional centers are intended to advance peace and security, disarmament and arms control, advocacy and resource mobilization, and information, research and publication, notably in the domain of small arms and light weapons, on regional and sub-regional levels. The centers seek to promote transparency, database arms registers, peace education, weapons collections, and destruction and conversion for development programs, through training and workshops. They are located in Latin America and the Caribbean, Africa, and Asia and the Pacific.

Peace Education


The study, released last year, consists mostly of recommendations for governments, UN bodies, academic institutions and civil society. It was prompted by growing concerns of the lack of progress in the field of disarmament, and the belief that education on all levels can help improve the understanding of the close relationship between disarmament and international peace and security. This year New Zealand and Canada reported on their education efforts, including graduate research awards in

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Canada and plans for implementation of peace education at all levels in both countries. For more, see “Culture of Peace,” the Monitor, Weeks Two (http://reachingcriticalwill.org/political/1com/1com03/FCM/wk2.htm#culture) and Three (http://reachingcriticalwill.org/political/1com/1com03/FCM/wk3.html#culture).

Human Security

In its October 14 statement to the First Committee, Mali referred to its involvement in the Human Security Network, launched in Norway in 1999 by Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, Norway, the Netherlands, Slovenia, Switzerland and Thailand (South Africa as observer). The network, which consults with NGOs and UN agencies, works to identify concrete areas for collective action and ways to energize political processes aimed at preventing or solving conflicts and promoting peace and development. For more see www.humansecuritynetwork.org

Some NGO Projects on Culture of Peace and Human Security

The Hague Appeal for Peace Global Campaign for Peace Education works to build public awareness and political support for the introduction of peace education into all spheres of education, including non-formal education, in all schools throughout the world, and to promote the education of all teachers to teach for peace. See more at http://www.haguepeace.org/index.php?name=education

Global Action to Prevent War is a multinational, coalition-building approach to the prevention of war, genocide, and internal armed conflict. The program integrates over 70 specific proposals to be implemented over a period of three to four decades. For more see http://www.globalactionpw.org

Nonviolent Peace Force seeks to build a trained, international civilian peaceforce committed to third-party nonviolent intervention. For more see http://www.nonviolentpeaceforce.org.

- Nya Gregor Fleron,
Lawyers’ Committee on Nuclear Policy

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