Reaching Critical Will’s

GUIDE TO THE
CONFERENCE ON DISARMAMENT

2009

Part One: 19 January–27 March
Part Two: 18 May–3 July
Part Three: 3 August–18 September

Reaching Critical Will is a project of the
Women’s International League for Peace and Freedom

777 UN Plaza, 6th Floor
New York, NY 10017
Tel: 212.682.1265
Fax: 212.286.8211
info@reachingcriticalwill.org
http://www.reachingcriticalwill.org
Introduction

The Conference on Disarmament (CD), based in Geneva, Switzerland, is mandated to negotiate multilateral disarmament treaties. Past successes of the CD include the Chemical Weapons Convention and the Comprehensive Test Ban Treaty (CTBT). The success of the CD in negotiating these crucial disarmament treaties depended largely upon the tireless efforts of NGOs, which have served an immensely important role in an advisory or technical capacity and in awareness-building and public education roles.

However, since negotiations on the CTBT concluded in 1996, the CD has not been able to resume serious substantial work and critical issues on its agenda have been left unresolved, much to the peril of international security. The CD has not even adopted a programme of work since 1999. This means non-government organization (NGO) attention to this body is needed more than ever.

In 2007 and 2008, the six rotating presidents of the CD joined together to collectively submit a “Presidential Draft Decision,” or “proposed programme of work,” for the CD member states to consider. Both proposals, which were virtually the same in content, where met with overwhelming approval by the majority of the CD’s 65 members. However, a few key states, including Pakistan, China, and Iran, have raised objections to the proposals for a variety of reasons (see this Guide for details).

The next six presidents of the CD are expected to work together in 2009 to propose a similar compromise programme of work. NGOs need follow the diplomatic moves in Geneva, engage their country representatives, and encourage consensus on a programme of work. In the absence of a programme of work, civil society needs to pressure its governments to engage in substantive discussions on the topics on the CD’s agenda and on the possible reform of the CD’s operating procedures.

This coming year, 2009, is an active year for disarmament issues. The final preparatory committee for the 2010 nuclear Non-Proliferation Treaty (NPT) Review Conference will meet in May 2009 in New York. The UN Disarmament Commission will begin a new three-year cycle in April 2009. The Australian-Japanese-led International Commission on Nuclear Non-Proliferation and Disarmament will hold a series of meetings leading up to the 2010 Review Conference. NGOs are planning events and conferences throughout 2009 to engage civil society and foster broader interest in nuclear disarmament issues.

Reaching Critical Will, a project of the Women’s International League for Peace and Freedom, created this Guide as an advocacy and learning tool for everyone. In it, you can find a history of the CD, learn about the items on its agenda, a summary of the major issues, an overview of the current political context, and much more.

If you or your organization would like to learn more about the CD, the issues, or what you can do to engage your representatives, please contact Reaching Critical Will at info@reachingcriticalwill.org.

In peace,

Ray Acheson, Project Director
Reaching Critical Will
January 2009
General information about the CD

WHAT: The CD is the world’s sole multilateral disarmament treaty negotiating body. Decisions are made by consensus. While the CD is independent of the United Nations, its secretary is appointed by the UN Secretary-General, it is required to consider recommendations from the General Assembly, and it submits reports at least annually to the General Assembly.

WHEN: The CD has three sessions each year. The first begins in the penultimate week of January and lasts for 10 weeks. The second begins in May and lasts 7 weeks, and the third in July lasts for 7 weeks.

ACCESS: The CD holds at least one public plenary per week that it is in session. In 2004, the CD took its first decision on NGO access, officially formalizing access to open debates. In addition, the 2004 decision permits NGOs to submit documents as official documents of the Conference, and allows NGOs to present their documents (at their own expense) twice annually in front of the CD chamber.

PRESIDENTS: Each year, the CD has six Presidents (the P6). For 2009, the P6 will be Viet Nam, Zimbabwe, Algeria, Argentina, Australia, and Austria. In 2006, the P6 began coordinating their presidencies to serve the CD more efficiently. This initiative has led to smoother transitions between monthly presidential rotations and could be credited for the steps towards a programme of work that took place in 2007 and 2008.

NEGOTIATIONS: When the CD is ready to begin negotiating a treaty, an ad hoc committee with a mandate is established, and continues meeting until the text is finalized. The meetings of ad hoc committees are held in private. The whole conference must agree by consensus to the mandates given to ad hoc committees.

RECENT PAST EFFORTS: In 1994, four ad hoc committees met: Nuclear Test Ban, Outer Space, Negative Security Assurances, and Transparency in Armaments. In 1995 and 1996, only one ad hoc committee met: Nuclear Test Ban. In 1996, the CD completed the negotiations for the Comprehensive Test Ban Treaty. In 1998, the CD agreed to a fissile material cut-off negotiating mandate, but has been unable to establish an ad hoc committee needed to carry forward negotiations.

DANGER: No programme of work has been adopted since 1999, putting at risk the future of the CD and undermining the development of international security.
CD Groups

There are a number of groupings among countries within the CD. Some of these work in cooperation with each other on specific issues rather than unilaterally. They usually meet at least once a week when the CD is in session, in a closed, informal meeting.

**Western Group (25)**
Argentina, Australia, Austria, Belgium, Canada, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States

**Group of 21 (33)**
Algeria, Bangladesh, Brazil, Cameroon, Chile, Colombia, Cuba, DPR Korea, DR Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Kenya, Malaysia, Mexico, Mongolia, Morocco, Myanmar, Nigeria, Pakistan, Peru, Senegal, South Africa, Sri Lanka, Syria, Tunisia, Venezuela, Viet Nam, Zimbabwe

**Eastern European Group (6)**
Belarus, Bulgaria, Kazakhstan, Romania, Russian Federation, Ukraine

**Group of One**
China often refers to itself as the Group of One

**Non-Member Participant States**
Every year there are general observers to the CD. They have the right to attend meetings of the CD ad hoc committees, and can speak, circulate papers and make contributions, but cannot deny consensus on any issues. They have to renew their status as non-member participant states each year, whereas CD members maintain their status permanently.
CD Agenda

The CD has a permanent agenda, known as the Decalogue, which addresses the following issues:

- Nuclear weapons in all aspects;
- Chemical weapons (removed after the CD completed the Chemical Weapons Convention in 1992);
- Other weapons of mass destruction;
- Conventional weapons;
- Reduction of military budgets;
- Reduction of armed forces;
- Disarmament and development;
- Disarmament and international security;
- Collateral measures; confidence building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties; and
- Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

The Decalogue includes practically all multilateral arms control and disarmament problems, so a narrower agenda is adopted each year. Currently, the CD primarily focuses its attention on the following issues:

- Cessation of the nuclear arms race and nuclear disarmament;
- Prevention of nuclear war; including all related matters;
- Prevention of an arms race in outer space;
- Effective international arrangements to assure non nuclear weapon States against the use or threat of use of nuclear weapons (negative security assurances);
- New types of weapons of mass destruction and new systems of such weapons, including radiological weapons;
- Comprehensive programme of disarmament; and
- Transparency in armaments.

In recent sessions, some member states have raised the idea of discussing “new issues” at the CD, including terrorism, missiles, and man-portable air defense systems (MANPADS), following the rules of procedure (para 41) which allows for any issue to be brought up at any time.
**Brief Chronology**

**1960.** What is now the CD was first known as the Ten Nation Committee on Disarmament (TNCD), and was formed in March 1960 in Geneva. The TNCD was made up of five Eastern Bloc countries (Bulgaria, Czechoslovakia, Poland, Romania, and the Soviet Union) and five Western Bloc countries (Canada, France, Italy, the UK, and the US), jointly chaired by the US and the USSR. During this time, it tried, unsuccessfully, to attain consensus on the many complex issues facing both sides on their way to general disarmament. The TNDC’s failure to reach agreement can be understood in the context of the strained relations between East and West at the time.

**1960-1968.** The institution became known as the Eighteen Nations Disarmament Committee (ENDC), jointly chaired by the US and USSR. The ENDC first convened in March 1961 following a resolution of the UN General Assembly in 1961, making the addition of eight “non-aligned” states. Parties of the ENDC were: Burma, Brazil, Bulgaria, Canada, Czechoslovakia, Ethiopia, France, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, United Arab Emirates, United Kingdom, United States, and the Soviet Union.

**1963.** An accomplishment of the ENDC was the negotiation of the Limited Test Ban Treaty, which banned all nuclear-weapon tests in the atmosphere, in outer space, and under water. The US, USSR, and UK are signatories (and also depositories). It was negotiated in six weeks.

**1969-1978.** The institution became the Conference of the Committee on Disarmament (CCD), expanding to 30 members.

**1970.** The CCD concluded negotiations on the nuclear Non-proliferation Treaty (NPT), which seeks to halt the spread of nuclear weapons to countries that do not already possess them, and prevent the diversion of nuclear material from peaceful purposes. The NPT became international law in 1970. At that time there were five nuclear weapon states: US, UK, USSR, France, and China. Since then, India, Israel, North Korea, and Pakistan have developed nuclear weapons and remain the only countries outside the Treaty (North Korea ratified the NPT but later withdrew).

**1972.** The CCD negotiated the Biological and Toxin Weapons Convention (BTWC), banning the development, production, and stockpiling of bacteriological and toxin weapons. The BTWC entered into force in 1975 and, as of 2007, has 159 States Parties and 15 signatories. It builds on the protocols of the Geneva conventions that first banned the use of gas in war. It is the first treaty to ban an entire category of mass destruction weapons. However, the BWC has no verification provisions. A verification protocol has been under negotiation since 1995. Hopes of progress during the CD’s 24th session (13 July 23 - 17 August 2001) were effectively dashed on the third day with the rejection of the current draft Protocol—the Chair’s composite text—as were further efforts to negotiate such an agreement. Current discussions on a BTWC verification mechanism take place in the framework of annual meetings of states parties to the BTWC.

**1977.** The CCD negotiated the Environmental Modification Convention, banning all significant hostile use of environmental modification techniques. This Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques entered into force in 1977 and attempts to inhibit the development of new types of warfare.

**1979.** The Committee on Disarmament was established as a result of the first Special Session on Disarmament of the United Nations General Assembly held in 1978.

**1982-1989.** The General Assembly’s second special session on disarmament was held in 1982, which prompted the CD to continue negotiating a draft comprehensive programme of disarmament. At the end of the CD’s session in 1989, however, it suspended work on the programme “until the circumstances were more propitious for progress.”

**1983.** The re-named Conference on Disarmament (CD) grew to 38 members.
1992. The CD negotiated the Chemical Weapons Convention (CWC). The CWC was opened for signature in 1993, and entered into force in April 1997. It has 182 States Parties, including the US, Russia, and China. It bans the “development, production, stockpiling and use of chemical weapons” (earlier agreements only banned the use). The treaty contains an extensive list of banned chemicals and precursors and provides for an elaborate and intrusive verification regime as well as a secretariat, the Organisation for the Prohibition of Chemical Weapons (OPCW).


1995 and 1996. Only one ad hoc committee met, on the Nuclear Test Ban. In 1996, the CD expanded its membership to 61.

1996. The CD negotiated the Comprehensive Test Ban Treaty (CTBT), banning nuclear weapons test explosions or any other nuclear explosions. The final negotiations were difficult, and divisive issues remained until the end. Nevertheless, the CTBT was subsequently adopted by the General Assembly in Resolution A/RES/50/245 on 10 September 1996 and opened for signature on 24 September. The CTBT has been signed by 177 countries and ratified by 141. It requires ten more ratifications, from the states listed in Annex II of the Treaty, to enter into force.

1998. The CD appointed ad hoc committees on negative security assurances and a fissile material cut-off treaty, and it appointed special coordinators to deal with issues related to prevention of an arms race in outer space (PAROS), a comprehensive programme of disarmament, and transparency in armaments. In addition, it appointed three reform coordinators to review the agenda, consider membership expansion, and improve the CD’s functions. The Conference considered adopting five new members—Ecuador, Ireland, Kazakhstan, Malaysia, and Tunisia—but failed to reach consensus. Work on the other reform areas did not make much progress.

1999. The CD approved the 1998 proposal for expansion, and membership of the CD expanded to its current level of 65 countries. However, the Conference failed to agree on a programme of work, and the ad hoc committees on fissile materials and negative security assurances were not reconvened.

1999-2002. The US opposed any negotiating mandate on PAROS or nuclear disarmament, while China opposed negotiating a fissile material treaty without negotiations on PAROS. The CD appointed three special coordinators to examine its agenda, improve its functioning, and consider membership. Failing to find consensus on these issues, the three coordinators recommended that the CD reappoint special coordinators for these issues in 2002.

2002. The Ambassadors of Algeria, Belgium, Chile, Columbia, and Sweden, in what became known as the A5 proposal, proposed the establishment of four ad hoc committees—two to negotiate a fissile material treaty and negative security assurances and two to discuss PAROS and nuclear disarmament—and for special coordinators to seek the views of states on new types of weapons of mass destruction, a comprehensive programme of disarmament, and transparency in armaments. Despite enjoying widespread support, this proposal ultimately did not succeed in breaking the impasse, yet is still frequently referenced in discussions on a programme of work.

2003. Although the A5 proposal was updated and received more support, including from China, the CD closed without agreeing on a programme of work.

2004. The CD engaged in informal plenaries to assist its work, however it was ultimately unable to reach agreement on a programme of work. It did, however, reach consensus on formalizing and enhancing NGO access and participation in the CD.
2005. The President of the CD in March circulated a “food for thought” non-paper, based on the A5 proposal, establishing ad hoc committees for each of the CD’s four priority issues and providing for negotiations on a fissile materials treaty. The final session’s President circulated a similar paper. Neither proposal gained consensus.

2006. The six Presidents of the CD for the year, Poland, Republic of Korea, Romania, the Russian Federation, Senegal and Slovakia, decided to cooperate closely in order to assure continuity by consecutive Presidents and named themselves the “P6”. They appointed a group of states to act as “Friends of Presidents” to assist the P6 throughout the year in informal consultations on gaining consensus on a programme of work and on improving the CD’s methods of work. The Presidents encouraged the submission of working papers, proposals, and ideas from delegations and NGOs in a thematic timetable for the year. In May, the US tabled a draft Fissile Materials Cut-off Treaty (FMCT) and draft mandate for its negotiation, which, in its refusal to specifically note issues of verification and compliance (the US delegation frequently argues “the so-called effective verification of an FMCT cannot be achieved”) was unsatisfactory to the rest of the CD. While the CD saw the most substantive discussions and submissions of working papers in years, it was still unable to agree on a programme of work or to begin negotiations on a fissile materials treaty.

2007. The next six Presidents continued to work closely together and engaged in intensive consultations with member states between and during CD sessions. The CD came very close to adopting a programme of work, contained in documents L.1 and CRP.5 and CRP.6, which called for negotiations on a fissile materials and substantive discussions on the other three priority issues. Only three states—China, Iran, and Pakistan—visibly withheld their support for the comprehensive package tabled by the Presidents, though it is believed China and Iran would not continue to object if Pakistan agreed to the programme.

2008. The P6 submitted a Presidential Draft Decision essentially compiling and refining the contents of L.1, CRP.5, and CRP.6. The majority of member states gave their support to the new proposed programme of work, CD/1840, indicating their readiness to adopt it. However, a few key states, including Pakistan, China, and Iran, continued to raise objections for a variety of reasons (see the Summary of Critical Issues for details).

Summary of Critical Issues

CD/1840 - Presidential Draft Decision
In 2008, the six Presidents of the CD tabled a draft decision (CD/1840) outlining a comprehensive programme of work, which was developed based on consultations with member states. The draft decision “decides, without prejudice to future work and negotiations on its agenda items,” to appoint four Ambassadors as coordinators to preside over:

- substantive discussions on nuclear disarmament and the prevention of nuclear war;
- negotiations, without any preconditions, on a non-discriminatory and multilateral treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
- substantive discussions dealing with issues related to Prevention of an Arms Race in Outer Space; and
- substantive discussions dealing with appropriate international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (negative security assurances).

While the majority of CD member states have expressed their support for this document, many have also noted its many imperfections. Some delegations would like to see negotiations start simultaneously on all four core issues, while others think this would be impossible. Most delegations would like the mandate for negotiations on a fissile materials treaty to include specific references to existing stocks and verifiability (see Fissile Materials for more information).
The content of CD/1840 is virtually identical to the proposed programme of work from 2007 contained in documents L.1, CRP.5, and CRP.6. It builds on the Five Ambassadors’ Initiative (A5) from 2002, which called for the establishment of four ad hoc commitments on the four core issues contained in CD/1840.

Resources and links for more information

CD/1840
http://www.reachingcriticalwill.org/political/cd/papers08/1session/CD1840.pdf

Statements on CD/1840 in the 2008 CD Session
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#p6

Fissile Materials
Fissile materials are the ingredients used to make nuclear weapons: highly enriched uranium and plutonium. For more information on fissile materials, please see www.fissilematerials.org.

In December 1993, the UN General Assembly adopted by consensus a resolution recommending the negotiation of a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

Early on, the issue of existing stocks blocked consensus on the negotiation of a Fissile Material Cut-off Treaty (FMCT) in the CD. Some states, such as those belonging to the Non-Aligned Movement, believe that a cut-off level should include fissile materials already produced and stockpiled. Others, such as the United States, United Kingdom, and Japan, favour a future-production cut-off. Some states also think an FMCT should include management of existing fissile material, not only a ban on production.

On 25 January 1994, the CD appointed a Special Coordinator, Ambassador Gerald Shannon of Canada, to seek the views of member states on the most appropriate arrangement to negotiate the type of FMCT requested by the UN General Assembly. In March 1995, the resulting “Shannon Mandate” proposed that an ad hoc committee, charged to pursue the negotiations, would settle the issue of existing stocks and other issues.

All of the states parties to the nuclear Non-Proliferation Treaty (NPT) endorsed the immediate commencement and early conclusion of FMCT negotiations at the 1995 and 2000 NPT Review Conferences. The negotiation of an FMCT was agreed as one of the 13 practical steps towards disarmament at the 2000 NPT Review Conference (for more information, see www.reachingcriticalwill.org/legal/nptindex1.html). For several years, China and Russia insisted that starting work on the prevention of an arms race in outer space (see below) be linked to starting work on an FMCT. In August 2003, China and Russia broke from this position, agreeing to go forth with FMCT negotiations based on the Shannon Mandate.

The United States did not announce its position on an FMCT until July 2004, when Ambassador Sanders declared that while the US supported negotiations on an FMCT, it did not believe that such a treaty would be verifiable. This position is contrary to the 16 UN Disarmament Commission principles of verification published in 1988, as well as a US National Academy of study in 2005, which indicated that a verifiable FMCT would be expensive, but achievable. This change in US policy appears more politically driven than scientifically sound.

Many delegations have argued that specific references to matters such as verification and existing stocks in the negotiation mandate is crucial, worried that if negotiations begin “without any preconditions,” as described in CD/1840, these issues are sure to be rejected during negotiations by key players such as the United States. Pakistan in particular has argued this, pointing out that if an FMCT does not include existing stocks or verification, it will freeze or accentuate asymmetries between the nuclear weapons possessors—especially between Pakistan and India—and thus undermine regional “strategic balance” and international security. The US-India deal, which allows India to import nuclear fuel from the US and other Nuclear Suppliers Group states
for its energy reactors, freeing up its own indigenously-produced materials for military purposes, further exacerbates Pakistan’s concerns about an FMCT.

Refuting the oft-heard argument that insisting on the inclusion of verification in the negotiating mandate acts as a precondition to negotiations, Egypt has argued that the veto on its inclusion is the real precondition—and an incomprehensible one, given how important verification is to states in all other situations.

Resources and links for more information

Statements in the 2008 CD Session
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#fmct

Working Papers in the CD

Shannon Mandate
http://www.reachingcriticalwill.org/political/cd/shannon.html

Perspectives in the 2008 First Committee
http://www.reachingcriticalwill.org/political/1com/FCM08/final.html#fissile

NGO Resources
Institute for Science and International Security: http://www.isis-online.org/
International Network of Engineers and Scientists Against Proliferation: http://www.inesap.org/
International Panel on Fissile Materials: http://www.fissilematerials.org/

Outer Space
An ad hoc committee began work in 1985 to examine outer space arms control issues, including the current legal framework. The main space security issue, prevention of an arms race in outer space (PAROS), has been blocked in the CD, primarily because the US delegation believes “there is no arms race in outer space” and that it would be a waste of time to concentrate efforts on preventing one, and that existing legal regimes for outer space activities (ie. the Outer Space Treaty) are adequate to handle any space security issues. The PAROS ad hoc committee has not met since 1994.

China and Russia have traditionally maintained that the early establishment of an ad hoc committee is necessary to start substantive work on PAROS, with a view to concluding a more effective international treaty on this issue at an early date. They have submitted numerous papers on relevant issues, including verification aspects and existing international legal instruments. In 2007, they revised and submitted their PAROS working paper CD/1679 for the third time. During 2007 and 2008, substantive discussions were held on the PAROS in the CD, which resulted in calls for a treaty to prevent the placement of weapons in outer space (PPW) rather than a treaty on PAROS, in order to escape the “linguistic and philosophical debate” associated with the term PAROS. The discussions also produced interest in developing “best practices” or “rules of the road” for safe and responsible space operations, and transparency and confidence-building measures that could complement future international legal instruments regarding space security.

On 12 February 2008, Russia and China introduced a draft PPW treaty to the CD. Introducing the text, Russia’s Foreign Minister Sergey Lavrov explained the draft treaty is designed “to eliminate existing lacunas in international space law, create conditions for further exploration and use of space, preserve costly space property, and strengthen general security and arms control.” The draft treaty specifies that states parties would undertake not to place in orbit “any objects carrying any kind of weapons,” not to install them on celestial bodies or other space structures, not to use or threaten to use force against outer space objects,
Outside of the CD, several developments both fostering and undermining space security have occurred. In January 2007, China tested an anti-satellite weapon against one of its own ageing weather satellites. The United States, while condemning the test, forged ahead with several space and missile defence projects with dual-use capabilities and tested its own anti-satellite weapon in February 2008. The United States has also signed preliminary agreements with the Czech Republic and Poland to build missile defence bases in their countries as “defence” against Iran. Russia has condemned these plans, correctly pointing out that Iran does not possess nuclear weapons or intercontinental ballistic missiles, and arguing that US missile defence in Europe is aimed at “containing” Russia.

A few positive steps have happened outside of the CD. In 2007, the UN Committee on the Peaceful Uses of Outer Space and the General Assembly adopted debris mitigation guidelines and several states submitted proposals on space security to the Secretary-General pursuant to GA resolution 61/75. Substantive discussions on PAROS were included in the CD’s proposed programme of work in 2007 and 2008. Since 2004, the United Nations Institute for Disarmament Research has held seminars in the CD chamber on space security issues. These conferences have generated food for thought, and promoted informal, confidence-building dialogues. The European Union is currently drafting a voluntary code of conduct for outer space activities, expected to be released in early 2009. In April 2008, the Global Network Against Weapons and Nuclear Power in Space and the Women’s International League for Peace and Freedom co-founded the “PAROS Working Group” to raise awareness at a grassroots level of space security issues and relevant UN processes.

Resources and links for more information

Statements in the 2008 CD Session
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#paros

China-Russia draft treaty on preventing the placement of weapons in outer space
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#fmct

Perspectives in the 2008 First Committee
http://www.reachingcriticalwill.org/political/1com/FCM08/final.html#space

NGO Resources
Space Security Index: http://www.spacesecurity.org/
Western States Legal Foundation: http://www.wslfweb.org/

Nuclear Disarmament
Many members of the CD have openly expressed their wish that the CD undertake multilateral negotiations in this area. The states made calls at the 2000 NPT Review Conference to establish a subsidiary body in the CD to deal with nuclear disarmament. Article VI of the NPT requires the five recognized nuclear weapon states to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament,” and in 1996, the International Court of Justice found that the nuclear weapon states have an obligation to negotiate and complete a treaty banning all nuclear weapons. A Model Nuclear Weapon Convention, developed by nuclear disarmament experts and analysts, has been submitted to the NPT and the General Assembly by member states, and has also been submitted by NGOs as an official document of the CD. In 1995, the General Assembly adopted resolution 50/70P, which called on the CD to establish an ad hoc committee to negotiate a phased programme of nuclear disarmament and eventual elimination of nuclear weapons within a time-bound framework. NATO and European states opposed this resolution; Russia abstained.
Unfortunately, the CD has never established a subsidiary body to deal with nuclear disarmament. Nuclear weapon states claim reductions in nuclear arms should be carried out directly by the states that possess them, in view of the many complexities involved. In contrast, many non-nuclear weapon states argue, as Egypt did in 2007, that the “emphasis on arms control and the bilateral efforts ... cannot be regarded as alternative to the implementation of the commitment contained in Article VI ... We would like to reiterate the centrality of the 13 practical steps [outlined in 2000 Review Conference of the NPT to implement Article VI] which in our view, represent an internationally endorsed roadmap to fulfill the obligation of nuclear disarmament.”

Nuclear disarmament was included as a topic for substantive discussion in the 2008 proposed programme of work.

Resources and links for more information

*Statements in the 2008 CD Session*
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#nd

*Perspectives in the 2008 First Committee*
http://www.reachingcriticalwill.org/political/1com/FCM08/final.html#disarmament

*NGO Resources*
Acronym Institute for Disarmament Diplomacy: http://www.acronym.org.uk/
Lawyers’ Committee on Nuclear Policy: http://www.lcnp.org/
Middle Powers Initiative: http://www.gsinstitute.org/mpi/index.html
Reaching Critical Will: http://www.reachingcriticalwill.org/
Western States Legal Foundation: http://www.wslfweb.org/

**Negative Security Assurances**

Negative security assurances (NSAs) constitute promises from nuclear weapon states to non-nuclear weapon states that they will not use nuclear weapons against them. Currently, the only assurances that exist are not legally-binding, such as unilateral declarations contained within nuclear weapon free zone treaty protocols and in Security Council Resolution 984 (1995).

The Non-Aligned members of the CD (the G-21) increased their demands for a legally-binding instrument after the completion of the CTBT negotiations and the extension of the NPT in 1995. Most non-nuclear weapon states continue to demand legally-binding assurances, although the context remains a debate. Some states argue legally-binding assurances should be negotiated at the CD; others, such as those in the New Agenda Coalition, argue that NSAs should only be given to and by states parties to the NPT. In 2007, New Zealand argued there are many complications in negotiating legally-binding NSAs in the CD, such as “the potential conferring of the status of Nuclear Weapons States on all of the States that possess nuclear weapons” if they are bound to give legally-binding assurances under a treaty.

The NSA ad hoc committee, while re-established in 1998, has not yet met. Substantive discussions on NSAs were included in the 2008 proposed programme of work.

Resources and links for more information

*Statements in the 2008 CD Session*
http://www.reachingcriticalwill.org/political/cd/speeches08/topics.html#nsa

*Perspectives in the 2008 First Committee*
http://www.reachingcriticalwill.org/political/1com/FCM08/final.html#nsa
Radiological Weapons
The CD also has on its agenda the negotiation of a ban on radiological weapons, a new type of weapon of mass destruction that could disperse radioactive materials without a nuclear explosion. Such weapons could include waste material from non-military nuclear applications such as spent reactor fuel.

In 1979, the United States and Soviet Union jointly submitted to the CD major elements of a treaty banning the development, production, stockpiling, and use of radiological weapons. Conclusion of a multilateral treaty within the CD has been held up because no such weapons presently exist and because of questions about verifiability. Some states also insist that, under this agenda item, discussions be held on a treaty to ban attacks against nuclear facilities.

Radiological weapons are currently not being discussed in the CD. While there is no treaty banning radiological weapons, a Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which entered into force in 2001, includes provisions for the management, storage, and transportation of radioactive waste from civilian and military reactors. In addition, the General Assembly adopted a RW resolution for the first time at its 60th session in 2005, on “Preventing the risk of radiological terrorism.” In 2007, the General Assembly adopted resolution A/62/46 on “Preventing the acquisition by terrorists of radioactive materials and sources.”

Transparency in Armaments
In 1991, the General Assembly adopted resolution 46/36-L, entitled “Transparency in Armaments,” which promoted openness and transparency in the field of military matters. One consequence of the resolution was the establishment of the UN Register of Conventional Arms. The resolution also requested the CD take up the issue of transparency in armaments (TIA), and specifically asked the CD to address interrelated issues arising from the excessive and destabilizing accumulation of arms. No time frame was attached to the CD’s work.

The CD added TIA to its agenda in 1992, the first new agenda item in over ten years. TIA was also the CD’s first agenda item related to conventional arms control. Since the topic was new to the CD, member states decided to conduct a year of informal meetings as a way of introducing the CD to the subject. In 1993, the CD established the TIA ad hoc committee, which began working to develop practical means for increasing openness and transparency in military matters. In 1994, the CD made little progress on this issue, and in 1995, the ad hoc committee was unable to reconvene. An experts group met in 1997 and there was agreement to promote transparency but not to expand the reporting requirements. The ad hoc committee has not been reestablished in the years since then.

There is often a resolution on TIA tabled in and adopted by the General Assembly, from which a small group of Non-Aligned states regularly abstain because the UN Register does not include weapons of mass destruction. The Register also does not require a comprehensive accounting of armament or military spending overall—which would be a potentially positive first step in meeting the Security Council’s obligations under Article 26 of the UN Charter.
NGO Participation

Civil society can help activate the CD by staying informed, spreading the word, and engaging with their representatives in the government.

Write to your Minister of Foreign Affairs or the CD—send letters and position papers, urging the CD to work toward disarmament. Also send a copy of your letter to your Ambassador in New York and Geneva. For a full listing, see the Governmental Contact Database: http://www.reachingcriticalwill.org/resources/gov-contacts/govindex.html

Make an appointment to speak with a representative at the Ministry of Foreign Affairs or equivalent in your country; encourage the Foreign Minister to attend the Conference to publicly urge CD members to agree on a programme of work so that productive negotiations can begin.

Attend the CD meetings in Geneva, meet with your representatives personally to explain the critical issues, draw attention to the problems, and encourage your representative to pressure their colleagues to achieve a successful outcome.

Monitor the CD sessions through the Reaching Critical Will website, and react to what your government does or does not say. Subscribe to RCW’s free weekly email reports on the CD by emailing info@reachingcriticalwill.org with “subscribe cdreport” in the subject line.

Write letters to the editor or start your own media to publicize your view and your government’s policies in the CD; encourage your fellow citizens to engage with the issues, too.
Moving Forward

Short of resolving the major political, military, and geostrategic conflicts through the establishment of a new world order founded on a culture of peace and justice, reform of the CD’s working methods could provide an opportunity to overcome the ten year deadlock and move forward on pressing issues of disarmament and international security. Civil society should pressure their governments to seriously discuss and creatively resolve the challenges posed by the CD’s rules of procedures and its traditions.

During both the CD and First Committee in 2008, many delegations called for reform of the CD’s working methods in order to overcome the deadlock. Pointing to the rule of consensus as the main procedural sticking point, the representatives from New Zealand, Canada, and Chile in particular have called for reconsideration of this rule. New Zealand has argued that the CD has a number of safeguards built into it at every level of work: consensus is needed to adopt a programme of work, to agree on a particular outcome of that work, to adopt any instrument the CD negotiates, and finally, all states then have the sovereign right to decide whether or not they are going to become party to the instrument.

New Zealand and Canada have suggested the rule of consensus should not be applied to procedural issues such as adopting a programme of work. Although not specifically referring to the stalemate in the CD, the Canadian ambassador has cited the adoption of the final document of the UN Programme of Action on Small Arms and Light Weapons biennial meeting in 2008 by vote rather than consensus as “a precedent which the UN might wish to invoke more generally in order to advance near-universally agreed objectives.”

Unfortunately, not everyone agrees that consensus is the problem nor that it should be put aside when trying to adopt a programme of work. Venezuela’s ambassador to the CD has argued that the rule of consensus is a “useful tool for enabling debate and debate is the path toward truth.” He argued that the problem is abuse of the rule to prevent debate from taking place. Pakistan has also argued that the abuse of consensus occurs when there are attempts by some to “shift goalposts,” referring to the United States’ rejection of the Shannon Mandate on an FMCT. Pakistan and Egypt’s ambassadors have also resisted the idea of limiting the rule of consensus to “substantive” issues, arguing that the programme of work is a substantive issue and that the rule of consensus conforms with the principle of equal security.

Unfortunately, because there is no agreement on this issue, changing the use of consensus in the CD would be a difficult task. Rule 18 of the CD’s rules of procedures explicitly states, “The Conference shall conduct its work and adopt its decisions by consensus.” Rule 47 states any amendment to the rules of procedure can be made by decision of the Conference—which would also have to be exercised by consensus, in conformity with rule 18.

However, delegates to the CD need to seriously consider this option as a creative way out of the deadlock. At the very least, removing this procedural barrier to adopting a programme of work would help expose more of the political posturing and real positions of some governments whose actions do not reflect their words.

Other reforms to the CD’s methods of work could be considered along the way. In his farewell speech to the CD in 2008, the ambassador of Chile argued that the time has come for reconsidering a variety of issues in order to help overcome the impasse in the CD, including the composition of the CD’s agenda; the method for adopting decisions; the group systems; the informal mechanisms; requests for expansion of the membership; and appropriate participation of civil society.

Now is the time for CD reform. Many governments have noted that the success of the Convention on Cluster Munitions and the Ottawa Convention on Anti-personnel Landmines indicate the CD is no longer functioning as the “sole multilateral disarmament negotiating forum of the international community”. Norway has spoken very strongly against this assumption, pointing out, “The CD with its 65 member states is far from universal, and a credible and relevant multilateral negotiating body should be open to any country…. if the CD remains paralysed, there will be stronger calls for considering optional avenues in order to move the disarmament agenda forward.”
RCW monitors and collects all **statements** delivered to the CD and posts them on our website at www.reachingcriticalwill.org/political/cd/speeches09/index.html

We offer a free, **weekly reporting service** for all those interested in the CD. These reports are available through an email subscription service, and are posted on our website at www.reachingcriticalwill.org/political/cd/speeches09/reports.html

You can find all **press releases** from the United Nations at www.reachingcriticalwill.org/political/cd/press09/pressindex.html

We also offer a very useful **Summary of Statements By Topic** each year, available at www.reachingcriticalwill.org/political/cd/speeches09/topics.html

This booklet, the **Reaching Critical Will Guide to the CD**, can be found online at www.reachingcriticalwill.org/political/cd/cdbook2009.pdf

Other **background information** on the Conference can be found at www.reachingcriticalwill.org/political/cd/basicinfo/basicinfoindex.html

**Governmental Contact Information** for Permanent Missions in Geneva is at www.reachingcriticalwill.org/resources/govcontacts/govindex.html

**All CD Resources can be found at**
www.reachingcriticalwill.org/political/cd/cdindex.html