

THE FIRST COMMITTEE

MONITOR

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NGO Reporting on the
General Assembly First Committee on Disarmament and International Security



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Amnesty International;
Global Action to Prevent War;
International Association of Lawyers
Against Nuclear Arms;
International Action Network on Small Arms;
Lawyers' Committee on Nuclear Policy;
Middle Powers Initiative;
NGO Committee on Disarmament,
Peace and Security;
Quaker United Nations Office; and
Women's International League
for Peace and Freedom.



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- Serving as an information resource by email or phone; and
- Providing a link between the First Committee and NGOs who are not in New York.



Introduction

On October 9, the Chair of the First Committee opened the Monday morning session with a short, terse condemnation of the Democratic People's Republic of Korea's (DPRK) nuclear test. Ironically, the Executive Secretary of the Comprehensive Test Ban Treaty Organization, Ambassador Tibor Toth, also made a presentation to the First Committee that morning. There has not been a nuclear test in nearly a decade, and a non-nuclear weapon state party to the Non-Proliferation Treaty has never left the treaty and tested nuclear weapons. Many were still in shock, and although some governments made statements on Monday deploring the test that could fundamentally change the disarmament and non-proliferation regime, the responses really came pouring in on Tuesday, both from governments at the First Committee and from civil society around the world.

Because of the focus on the test, there was much less new discussion of other non-proliferation concerns. Accordingly, while we have in-depth coverage of North Korea in this issue of the Monitor, the proliferation, nuclear weapon free zones and Iran reports will be published again in next week's issue.

In its October 9 statement, the DPRK explained that its nuclear test was a result of its perception that the law of the jungle prevails, and it needs the threat of excessive force to deter a powerful enemy. Moreover, as the Netherlands reminded us in its October 10 statement, threat perceptions are about economies as well as militaries.

There are 192 states in this increasingly globalized and technically advanced world, and if we want to avoid similar threat analyses and results in the future, we must create an international system based on the rule of law, not the rule of force. The rule of law states that nuclear disarmament is an obligation on at least five nations of the world. The rule of law states that nuclear weapons are illegal, and a requirement exists to negotiate an end to their destructive power over the planet. That law must apply equally to everyone in order to be perceived as legitimate, and therefore

work. Creating and obeying law is not blind faith, but is rather the process of building a just international system with fair rules and effective verification to ensure they are being followed.

As civil society, it is our job to find hope in tragedy, and to point towards creative solutions. There is some possibility here: the nuclear test is another guide post, a warning sign at the crossroads about which Secretary-General Kofi Annan warned us. We can either work to build a collective security system in the interests of all, or this can be one of many tragic and destructive instances of people and states taking security into their own hands. If we are to choose the former- as we must- the First Committee, as the only global body charged with deliberating and adopting resolutions pertaining to international security, must take the lead. A collective security requires negotiation and compromise, as the political will to implement all decisions reached.

Over the next three weeks, the Committee will adopt a variety of resolutions that aim towards strengthening our collective security. More than just perfunctorily fulfilling its mandate, member states should view the upcoming weeks as a prime opportunity to assert the rule of law, the primacy of cooperation and the necessity for enlightened rationality. If it fails to do so, the DPRK will be proven correct: the law of the jungle will prevail. The the Committee must prove them wrong.

-Jennifer Nordstrom, Reaching Critical Will
(www.reachingcriticalwill.org)



The Fallout from North Korea's Test

While the nature and quality of the Democratic Peoples Republic of Korea's (DPRK) test is still under investigation, the impact on the nonproliferation regime was immediate. Governments at the First Committee condemned the test while urging restraint and diplomacy. Malaysia saw the test as a blow to a nuclear-free world. The Russian Federation, China and Pakistan denounced the tests and called for a return to the Six-Party Talks. The Republic of Korea declared, "[S]uch a provocative act will not be condoned or tolerated." Japan introduced a draft resolution entitled Renewed determination towards the total elimination of nuclear weapons, which includes language expressing deep concern over DPRK's announcement of a nuclear test.

In response, the DPRK stated that it does not want a nuclear Korean Peninsula but was forced into testing by the United States and its threat of nuclear weapons. An indigenous nuclear weapons program is perceived by the DPRK regime as a means of deterrence and a way to maintain its sovereignty. Ambassador Kim Kwang II said, "The US extreme threat of a nuclear war and sanctions and pressure compel the DPRK to conduct a nuclear test, an essential process for bolstering nuclear deterrent, as a corresponding measure for defense."

The Non-Aligned Movement (NAM), of which DPRK is a member, called for restraint and a return to the Six-Party Talks. In its statement, the NAM "expressed its concern while recognizing the complexities arising from nuclear test in the Korean Peninsula which underlined the need to work even harder to achieve the Movement's disarmament objectives, including elimination of nuclear weapons."

Japan bemoaned the test as, "a serious challenge to the (nuclear Non-Proliferation Treaty) NPT regime," and argued that such an act "is not only in violation of Japan-DPRK Pyongyang Declaration and the Joint Statement by the Six Party Talks, but also disregarding the spirit of UN Security Council (SC) resolution 1695 and the Presidential Statement of the Security

Council dated October 7th this year." The European Union also affirmed that the test violated SC 1695 as well as the December 1991 North-South De-nuclearization Declaration. While the DPRK did acknowledge its commitments under the Joint Statement, it did not mention SC1695, the 1991 Declaration or the Japan-DPRK Pyongyang Declaration.

The Security Council unanimously approved resolution 1718 on Saturday, 14 October, which imposes weapons and financial sanctions. The resolution forbids the export or import of materials that could be used for nuclear or other weapons of mass destruction. It calls for the restriction of funds and travel of anyone judged by a newly constituted SC committee to be related to the DPRK weapons or missile programs. The resolution also reinforces the importance of the NPT by underlining "the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations".

The DPRK representative, Pak Gil Yon, stated that the DPRK rejected the Security Council resolution, calling it "gangster-like" and "coercive" and would consider any further US pressure an act of war. Russia and China both emphasized that the resolution does not authorize use of force.

In a side event hosted by the Middle Powers Initiative, Chilean Ambassador Alfredo Labbé observed that while the quality and character of the North Korean test was still in doubt, it is clear that the DPRK wanted the international community to believe it was a nuclear device. Therefore, he reasoned, it is imperative to prevent the political fallout from destroying the NPT and non-proliferation regime.

The test indeed reinforces the importance of the upcoming Preparatory Conference for the NPT and the need to have the Comprehensive Test Ban Treaty (CTBT) brought into force, as noted by several states. (See CTBT report) Switzerland argued that the CTBT was needed to counter a potential arms race. Israel

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Comprehensive Test Ban Treaty (CTBT)

In light of the Democratic People's Republic of Korea's (DPRK) proclamation late Sunday night that it successfully conducted a nuclear test, preventing nuclear testing was a major issue this week in the First Committee. This test was carried out despite the international community's urging for the DPRK to halt its nuclear program. The incident has highlighted the necessity for the entry into force of the Comprehensive Test Ban Treaty (CTBT).

The EU urged the DPRK to "announce immediately that it will refrain from any further tests of a nuclear device...(and) sign and ratify the Comprehensive Test Ban Treaty." New Zealand called the nuclear test a "travesty of the spirit" of the CTBT. The multilateral response denouncing the DPRK test included statements from the Republic of Korea, the United States, the Russian Federation, Japan, Bangladesh, Mexico, Norway, Indonesia, the Netherlands, Brazil, Australia and Canada.

India, Pakistan and Israel, three Annex II states that have not yet ratified the CTBT, also condemned the actions of the DPRK. India expressed "deep concern" over the DPRK test. Pakistan stated it "deplores the announcement" of the DPRK and called it "regrettable that the DPRK chose to ignore the advice of the international community." Israel declared the test "an irresponsible and provocative act" and added, "Israel not only remains formally committed to the CTBT, but also actively supports and participates in the work of the (Comprehensive Test Ban Treaty Organization)" or CTBTO, the Organization that supports the Treaty and works to verify its adherence. All three delegations confirmed they continue to observe the moratorium on nuclear testing.

In its own statement, the CTBTO also expressed its "deep concern and strong condemnation" of the DPRK test and hoped the DPRK would sign and ratify the CTBT. It noted the "significant progress" the CTBT has made over the last year by attaining 10 new signatories. The CTBTO stated that it is proud of this progress, but stressed there is more to be done. It

explained the CTBT must still enter into force to enable proper verification and called on the ten Annex II states that have not yet ratified the Treaty to do so. The CTBTO asserted, the "current situation (with the DPRK) highlights the importance" of the entry into force of the CTBT. The DPRK is one of the ten Annex II states that has not yet ratified the CTBT.

Many states agree the test by the DPRK is evidence of the necessity for the entry into force of the CTBT. Canada asserted, the "announcement by the DPRK underlines the necessity of a universal, legally-binding and permanent international ban on all nuclear test explosions." The Canadian delegation said the moratorium on nuclear testing is good, but "[t]here are no substitutes for a legally binding compact."

Australia, a staunch supporter of the CTBT, also feels that "North Korea's actions underscore the urgent need for entry into force of the Comprehensive Test Ban Treaty." Australia proudly introduced a draft resolution this week that stresses the "vital importance and urgency of signature and ratification, without delay and without conditions" for the early entry into force of the CTBT. This draft resolution differs from A/RES/60/95 in that it: specifically condemns the DPRK announcement of a test; suggest "coordinated ratification" to achieve universality of the treaty, and; stresses that self-imposed test moratoria "do not have the same permanent and legally-binding effect as entry into force of the Treaty".

The DPRK's claim that it conducted a nuclear test also highlights the need for a fully operational verification system. At a side event on the CTBT, Dr. Haak, Chairman of the CTBTO working group on verification, stated that the International Monitoring System (IMS) of the CTBTO was the first to detect the sub-kiloton explosion in the DPRK. He mused, "Did the system perform right? Yes it did." However, it is still unclear whether the explosion was nuclear or conventional. This is where the entry into force of the CTBT becomes crucial. Because the DPRK test was conducted underground, it may or may not be pos-

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Disarmament Machinery

Although disarmament machinery is scheduled to be discussed on Oct 18, the First Committee debated the impasse in the Conference on Disarmament (CD) when Mr. Sergei Ordzhonikidze, the Secretary General of the CD, made a presentation to the First Committee on October 9. Mr. Ordzhonikidze said there obviously had not been enough imagination to solve the deadlock and that he doubted that the CD could survive another year without substantive work. He also doubted whether the Five Ambassador's proposal (A5), although widely supported, would ever accrue consensus.

Pakistan said the A5 proposal, which would create ad hoc committees on the four core issues -fissile materials, arms in outer space, nuclear disarmament, and negative security assurances- would be the minimum threshold for Pakistan. "When negotiations start," Pakistan said, "it is conceivable that each issue will have a varying pace and progress, but none of the items on the table can be removed from the CD agenda at will."

Japan asserted that while further deliberations are required within the CD on all of 4 major agenda items, only a Fissile Material Cut-off Treaty (FMCT) has reached the stage of establishing an ad hoc committee for negotiations.

The United States made it clear that the CD should only negotiate an FMCT and reiterated its opposition to negotiations on the "so-called Prevention of an Arms Race in Outer Space [PAROS]." Russia again called it counter-productive to say PAROS is not ripe for negotiations, and called on the CD to resume its work on the issue as soon as possible. (See PAROS report)

Russia, China and India also support, or at least do not oppose, a programme of work based on the A5 proposal. France and United Kingdom said only that the A5 proposal does not have consensus. The Netherlands urged states to "acknowledge that a number of issues on its agenda are to be further prioritized, recognizing their relative weight as was confirmed in the

focused, structured debates held this year in the CD."

Mr. Ordzhonikidze also questioned the consensus rule of the CD, and said that consensus should not be used as a veto. Currently, the CD must take all decisions by consensus, including procedural ones. The Weapons of Mass Destruction Commission, chaired by Dr. Hans Blix, recommended that the CD be able to adopt its programme of work by a qualified majority of two-thirds of the members.

Pakistan disagreed. While recognizing that the long impasse makes changing the consensus rule "quite tempting," Pakistan remains convinced that "on issues related to collective security, consensus is a good device for decision making." Pakistan further argued that consensus "provides a sound basis for universal adherence and compliance. If we tinker with the principle of consensus in the CD, we will have an interminable and unproductive discussion even on this subject."

Other states suggested that the CD be able to vote and decide by majority on procedural issues but leave the consensus rule in place when dealing with matters of substance.

Various pieces of the disarmament machinery, including the CD, were created by the first Special Session on Disarmament (SSODI), and some states are calling for a fourth SSOD to review the disarmament machinery. Indonesia, on behalf on the Non-Aligned Movement, submitted a draft resolution entitled Convening of the fourth special session of the General Assembly devoted to disarmament (A/C.1/61/L.4). The draft resolution suggests that a SSOD IV could set the future course of action in the fields of disarmament, arms control, non-proliferation and related international security matters. The resolution includes the decision to establish another open ended working group to consider the objectives and agenda, including the possible establishment of a preparatory committee.

-Beatrice Fihn, Women's International League for Peace and Freedom (www.wilpf.ch)



Fissile Materials Cut-off Treaty (FMCT)

It has been more than ten years since the UN General Assembly agreed by consensus on a negotiating mandate (GA/48/75L) for a treaty banning the production of fissile materials for use in weapons. The prospect that the Conference on Disarmament (CD) might take up this task has never seemed closer, yet it stubbornly remains just beyond reach. The thematic debate on nuclear weapons in the First Committee highlighted once again the long-standing disagreements preventing the commencement of such negotiations.

In May, the United States introduced a draft Fissile Materials Cut-off Treaty (FMCT) and negotiating mandate to the CD. In their draft, the reference to an “effective verifiable” treaty is dropped from the agreed 1995 Shannon mandate. Likewise, the US treaty draft contains no verification provisions. Representative Robert Luaces restated the US position, first announced in 2005, that “so-called ‘effective verification’ of an FMCT cannot be achieved” as such measures and provisions would be “so extensive that they could compromise the core national security interests of key signatories.” The US mandate also breaks with the Five Ambassadors’ Proposal (A5) by dealing only with the topic of the FMCT, although Australia noted the draft mandate does not preclude the CD from taking up its other agenda items.

At an NGO event sponsored by the International Network of Engineers and Scientists Against Proliferation (INESAP) and the International Panel on Fissile Materials (IPFM), Princeton physicist Frank von Hippel expressed skepticism about the US position on verification. In his presentation, Professor von Hippel described how such a treaty could be verified, regardless of the scope of the final treaty and whether it covers existing stocks. In response to government acclaim and interest in the project, Professor von Hippel said his group would undertake to develop a draft verification protocol by early 2007. A full discussion on the verification measures envisaged by the IPFM can be found in its 2006 Fissile Material Report, available at www.fissilematerials.org.

Japan solidly backed the US position. Ambassador Mine voiced support for the formation of an ad hoc committee to begin negotiations in the CD, noting that “while further deliberations are required within the CD on all of 4 major agenda items, only an FMCT has reached the stage of establishing an ad hoc committee for negotiations.”

Pakistan disagreed with Japan, asserting that all four issues on the CD’s agenda were ripe and contemporary. However, if the CD were to commence the programme of work as proposed by the A5, progress on all four items could happen at different paces. Expanding beyond the provisions called for in the US draft treaty, the Pakistani representative also called for the FMCT to address the issue of existing stocks, mandating the transfer of all military fissile material to civilian use and to be placed under safeguards.

Other states provided a supportive, but more nuanced take on the mandate and draft proposed by the US. Echoing sentiments expressed by the EU, Australia, and others, the Republic of Korea described the US proposal as a “solid basis for starting negotiations in the Conference on Disarmament (CD).” However, despite general approval of the US negotiating mandate, Australia added a caveat by stating support for “an FMCT that provides for appropriate measures to verify compliance.” The EU noted that while “the FMCT negotiation mandate proposed by the US is broadly in line” with the EU position, “nothing can be precluded from the FMCT negotiations.”

Ambassador Paul Meyer announced that Canada “will be tabling a resolution in this Committee calling for the immediate commencement of negotiations on an FMCT.” Ambassador Meyer further stated, “there is broad support and the timing is right. The time to act is now.”

-Michael Spies, Lawyer’s Committee on Nuclear Policy (www.lcnp.org)



Prevention of an Arms Race in Outer Space (PAROS)

The annual draft resolution on PAROS (A/C.1/61/L.10), introduced on October 12 by Egypt, is virtually identical to last year's resolution. It reaffirms existing legal machinery and calls upon all states to "contribute actively to the objective of the peaceful use of outer space and of PAROS and to refrain from actions contrary to that objective." While overwhelming agreement on PAROS is evident, major divergences remain regarding a treaty's potential scope.

In its introduction of the draft, Egypt emphasized the need for a prohibition of military purposes in outer space. Some, however, argue against such a broad prohibition, which might limit or restrict dual-use technology. These states call instead for a more specific ban on space-based or ground-based space capable weapons.

The European Union (EU) declared PAROS "an essential condition for strengthening strategic stability and for . . . the free exploration and use of outer space for peaceful purposes by all states." Belarus, Canada, New Zealand, the Russian Federation, the Sudan, and Venezuela called for space-capable states to guarantee transparency in their outer space activities and to engage in confidence-building measures (CBMs). Canada, China, India, Japan, Russia, and Sri Lanka called for further substantive debate in the Conference on Disarmament (CD) and the reestablishment of an Ad-Hoc Committee for PAROS. China, Sri Lanka, and Venezuela called for the strengthening and universalization of the 1967 Outer Space Treaty (OST), while Canada and Japan called for enhanced dialogue within the Committee on the Peaceful Uses of Outer Space (COPUOS). All of these states called for the proactive development of a comprehensive, legally-binding PAROS treaty.

The United States, the only member state to vote against last year's PAROS resolution, opposes "the development of new legal regimes or other restrictions that seek to prohibit or limit US access to or use of space," and will continue to "dissuade or deter others from impeding [its right to operate in space] . . . and deny, if necessary, adversaries the use of space capabilities hostile to US national interests," accord-

ing to its new National Space Policy, released on October 6, 2006.

Furthermore, the US considers "space capabilities to be vital to national interests, whether these capabilities are in ground or space segments," and the National Space Policy "is designed to re-energize efforts to develop and maintain robust and effective space capabilities for civil, commercial, and national security purposes."

Regardless, the US insisted in the First Committee that, "One: there is no arms race in space. Two: there is no prospect of an arms race in space. Three: the United States will continue to protect its access to, and use of, space."

In response to the US's assertion, Russia insisted a multilateral treaty is the only way to prevent such an arms race, arguing, "if all states observe this prohibition, there is no arms race." Furthermore, with increasing reliance on peaceful uses of outer space, Russia further supports an additional obligation of no use or threat of use of force against space objects. Russia encouraged all delegations to consider the scope of such a treaty, to determine its practicality, implementability, and verifiability. Above all, Russia emphasized that this treaty would not limit space access, but would prevent such limitations.

Russia also introduced its new draft resolution Transparency and Confidence-Building Measures (CBMs) in Outer Space Activities (A/C.1/61/L.36) which it described as the next step following its 2005 resolution on CBMs in outer space. Building on last year's resolution (A/RES/60/66), the new draft invites all states to submit concrete proposals on outer space transparency and CBMs regardless of their space capabilities, and requests the Secretary-General submit a report to the General Assembly in which member states' concrete proposals would be annexed. Russia emphasized the draft resolution does not limit the legal right of states to self-defense or their use of outer space, and said it hopes the resolution will garner consensus. The US voted against a similar Russian resolution last year.

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Nuclear Disarmament

None of the anticipated nuclear disarmament draft resolutions- including those annually sponsored by Japan, the New Agenda Coalition and the Non-Aligned Movement- were introduced as expected this week, though some states presented their views on nuclear disarmament during the thematic debate.

Ambassador Yoshiki Mine of Japan detailed some of the changes that will be in this year's draft on Renewed Determination towards the Total Elimination of Nuclear Weapons. He said the new text will emphasize the importance of the nuclear Non-Proliferation Treaty (NPT) review process beginning next year, and will include language "calling for the immediate commencement of substantive work to its fullest" in the Conference on Disarmament. The draft resolution will also note member states' "deep concern" over the alleged North Korean nuclear test. Ambassador Mine said the success of the resolution last year showed that, despite the failure of the 2005 NPT Review Conference to reach a substantive consensus, "there exists a common ground in the international community on specific guidance in promoting nuclear disarmament."

With the clock ticking on the Strategic Arms Reductions Treaty (START)—the treaty, along with its verification provisions, expires in 2009—delegates focused on the need for firmer commitments from the United States and Russia on eliminating their strategic and non-strategic stockpiles. These weapons account for more than 90 percent of all the world's nuclear weapons. Delegates called for Russia and the United States to press further on both START and the Strategic Offensive Reduction Treaty (SORT). Referring to SORT, Finland, speaking for the European Union, said the EU "stresses the need for more progress in structurally reducing these nuclear arsenals through appropriate follow-on processes."

He said that while the EU welcomed the reduction in stocks of the two great powers, he also emphasized "the need for an overall reduction of the global stockpile of nuclear weapons . We recognize the application of the principles of irreversibility to guide all measures in the field of nuclear disarmament and

arms control." SORT, unlike START, has no provisions for verification and no commitment to irreversibility once the treaty expires in 2012. Pointing to the same weakness, Norway said, "It is our hope that the Strategic Offensive Reduction Treaty should be renewed and strengthened based on the principles of irreversibility and verification."

Russia said it has exceeded its obligations under the two treaties and was ready to go further. Sergey Koshelev said Russia had reduced its stockpiles "much faster than envisaged by START" and said SORT is "a tangible contribution to implementation by Russia of the NPT's Article VI." Koshelev said Moscow has "proposed to our US partners to launch a negotiating process" in light of START's impending expiration and said, "Russia is prepared to reduce on a reciprocal basis its nuclear arsenal to the level of 1500 warheads or less."

On non-strategic weapons, he said Russia had reduced those arms four-fold and had moved all of them "within the national boundaries at central storage depots." He added that other countries should relocate non-strategic weapons "to the territory of states that possess them." With nuclear weapons stored in some European NATO countries, the United States is the only country that fits this description.

The United States did not discuss START or SORT in its presentations last week.

-Jim Wurst, Middle Powers Initiative
(www.middlepowers.org)

PAROS, cont.

Preventing the weaponization of space and protecting all states' right to the peaceful use of space, are inextricably linked and require preventative diplomacy.

-Ray Acheson, Reaching Critical Will
(<http://www.reachingcriticalwill.org/>)



International Court of Justice

On October 10, Malaysia introduced a draft resolution on Follow-up to the International Court of Justice (ICJ) Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. The draft resolution is similar to what Malaysia has introduced annually since 1996, the year the ICJ rendered its opinion on this matter affirming that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict” and that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control.”

Malaysian Ambassador Hamidon Ali noted that it was important to keep introducing this resolution because “the global disarmament and non-proliferation framework remains in a flux. Nuclear-weapon states continue to modernize existing nuclear weapons, and large stockpiles of nuclear weapons remain in their arsenals.” Ambassador Hamidon also noted there is a regression away from multilateral norms and towards unilateral approaches (i.e. counter-proliferation aimed at specific states instead of universal non-proliferation and disarmament) that “could destabilize international peace and security and increase the risk of new instances of unilateral or pre-emptive use of force.”

The draft resolution calls for negotiations that would conclude in a nuclear weapons convention (NWC) - a universal treaty that would both prohibit nuclear weapons and provide for their elimination under international verification and compliance mechanisms. Costa Rica submitted a Model NWC to the UN in 1997 to assist in the implementation of the ICJ follow-up resolution by “setting forth the legal, technical and political issues that should be considered to achieve an actual nuclear weapons convention.” The Model NWC demonstrates that nuclear abolition, while difficult to achieve, is indeed feasible.

Ambassador Hamidon noted that the obligation to pursue nuclear disarmament negotiations applies to

all states, not only members of the nuclear Non-Proliferation Treaty (NPT). Malaysia thus criticized both the nuclear weapon states (NWS) and also those states outside the NPT pursuing nuclear weapons programs, particularly North Korea which last week announced it had tested a nuclear device for the first time.

The resolution traditionally finds support from a mix of countries including some non-aligned, western, and nuclear possessing, such as China, India and Pakistan. NATO countries either abstain or oppose. France, the UK and US also oppose.

In a discussion on the ICJ advisory opinion at the New York Bar Association on October 10, Ronald Bettauer, Deputy Legal Adviser for the US State Department, noted that the US did not agree with the ICJ’s opinion that there exists an obligation to conclude nuclear disarmament obligations. Rather, he emphasized that Article VI of the NPT only obliges States to negotiate, and that competing national interests could prevent such negotiations from reaching a conclusion. In addition, Bettauer noted that Article VI of the NPT linked nuclear disarmament negotiations with progress on general and complete disarmament. Thus States should not be expected to achieve nuclear disarmament when there is insufficient progress on general disarmament.

In response, Peter Weiss, Vice President of the International Association of Lawyers Against Nuclear Arms, cited from the authoritative Black’s Law Dictionary that “Good faith consists of an honest intention to abstain from taking any un-conscientious advantage of another, even through the forms or technicalities of law.” John Burroughs, Executive Director of the Lawyers’ Committee on Nuclear Policy, in a paper released in February this year, argues that “International law in general with respect to good faith negotiation clearly requires that you enter into the negotiations, that you consider proposals of the other side, and that you re-examine your own position, all in order to reach the objective of the negotiations.”

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Negative Security Assurances

In the second week of the First Committee, non-nuclear weapon states continued to call for a legally binding treaty on negative security assurances (NSA). In the thematic debate on nuclear disarmament, Pakistan stated “no issue is riper for negotiations than the NSAs. It has been on the front burner of the (nuclear Non-Proliferation Treaty) NPT regime since 1968 and on the (Conference on Disarmament) CD agenda since its inception.”

India presented a working paper on nuclear disarmament where they mentioned that the existing security assurances, such as Security Council resolution 984, are inadequate, conditional and non-binding. “An agreement among the States possessing nuclear weapons on a global ‘no-first-use’ posture will engender strategic stability and reduce the danger of the accidental or unintended use of nuclear weapons,” India stated.

China, a nuclear weapon state, reiterated its support for concluding a NSA treaty as soon as possible, though Russia, the US and Israel did not mention NSAs at all. The US made it clear that FMCT was the only thing ripe for negotiations in the CD and that it would not negotiate on the other issues. (See FMCT report)

The United Kingdom (UK) stated in 2004 that a general assurance to non nuclear weapon states party to the NPT has already been given, and there is no need to repeat or elaborate it. The way forward on NSAs, according to the UK, would be through Nuclear Weapon Free Zones (NWFZ).

Unfortunately, three nuclear weapon states refused to sign the newest NWFZ. The UK, France and the United States (US) declared in the CD in September that they would not sign the new Central Asian NWFZ.

The European Union (EU), which includes two nuclear weapon states, the UK and France, supported “pursuing consideration of the issue of security as-

surances to the non-nuclear weapon States Parties to the NPT.”

The EU also called upon nuclear weapon states to reaffirm existing security assurances that were noted by resolution 984, and encouraged them to sign and ratify the relevant protocols on NWFZs. The EU stated, “positive and negative security assurances can play an important role: they can serve both as an incentive to forego the acquisition of weapons of mass destruction and as deterrent.”

During the 2005 General Assembly, the only recognized nuclear weapons states that did not vote against the Reducing Nuclear Dangers resolution (A/RES/60/79) were China and Russia. Introduced again this year, this resolution states that “it is imperative on the part of the nuclear-weapon States to adopt measures that assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,” were China and the Russian Federation.

-Beatrice Fihn, Women’s International League for Peace and Freedom
(www.wilpf.int.ch)

ICJ, cont.

Malaysia usually refers to the compatibility between negotiations leading to a NWC and a step-by-step process for nuclear disarmament. However, this year, in an indication of frustration at the failures of the step-by-step process to prevent nuclear proliferation and to prevent the NWS from modernizing and expanding the roles of their nuclear weapons, Malaysia noted instead that, “We must address the issues and challenges confronting nuclear disarmament in a comprehensive, constructive and balanced manner.”

-Alyn Ware, International Association of Lawyers Against Nuclear Arms (www.ialana.net)



Conventional Weapons

During the two-day thematic debate on Conventional Weapons, states used the opportunity to acknowledge advances and urge continued movement. A number of review processes commence before the end of 2006.

The Netherlands took the floor to introduce the draft resolution on Transparency in Armaments, which acknowledges the success of the United Nations Register of Conventional Arms as an international security and confidence-building measure. New in the draft resolution is reference to the optional standardized reporting form adopted by the 2006 Group of Governmental Experts on the UN Register of Conventional Arms (GGE) and a request "to ensure that sufficient resources are made available for a group of governmental experts to be convened in 2009 to review the continuing operation of the Register".

The Chairperson of the GGE recognized the relatively high level of participation by member states, noting that 170 countries have participated in the arms register since its inception. The Republic of Korea and Indonesia noted satisfaction with the GGE's reduction of the minimum size of warships from 750 to 500 metric tons, which will increase the number of warships reported, and Israel and Japan applauded the 2003 GGE's inclusion of Man-Portable Air Defense Systems (MANPADS) as a sub-category of Missiles within the Register. Canada applauded the work of Australia, Israel and the United States on their hard work on MANPADS.

Japan recognized that the issue of transparency in armaments is addressed in both this resolution and in the omnibus resolution "the illicit trade in small arms and light weapons in all its aspects," though with different scopes. The Netherlands noted that this resolution was co-sponsored by 106 states in last year's First Committee, and invites all states to co-sponsor the Transparency in Armaments resolution again this year.

The draft resolution Convention On Prohibitions Or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injuri-

ous or to Have Indiscriminate Effects was tabled this week. It was sponsored by 48 countries last year and was adopted without a vote. Ambassador Rivasseau of France, the President-designate of the Convention on Certain Conventional Weapons (CCW) Review Conference, was the guest speaker during the second thematic debate on conventional weapons. He felt that the CCW has been a relatively successful regime which, because of its flexibility of mandate and the proximity of the humanitarian effects of conventional weapons on civilians, has somewhat escaped the disarmament crisis that other machinery has experienced. He noted that the flaw of the convention is that it entails a great deal of legal complexity; member states may become party to the convention by joining 2 protocols, and states therefore have different levels of commitment and obligation. Ambassador Rivasseau will be working to universalize the regime and to ensure a successful Review Conference.

Most of the focus with regard to the CCW remained on its upcoming 2006 Review Conference. The Republic of Korea, Israel, Canada, Switzerland, China and others welcomed the entry into force of Protocol V on Explosive Remnants of War. In the statement read by Finland, the European Union wished to see the universalization of Protocol V, its implementation, and continued work in this area regarding sub-munitions. New Zealand and Norway also urged negotiation on a legally binding instrument on cluster munitions, with New Zealand proposing 5 key elements to address: the persistent nature of failed cluster munitions; the use of cluster munitions in areas populated by civilians; indiscriminate use that attack both combatants and civilians; the way these weapons kill civilians and destroy civilian objects; and the proliferation and retention of "outmoded" cluster munitions.

-Waverly de Bruijn, Global Action to Prevent War
(www.globalactionpw.org)



Arms Trade Treaty

In a strong show of support for efforts to work on an Arms Trade Treaty (ATT), 77 governments co-sponsored a resolution tabled on Wednesday, October 11, 2006 to examine the feasibility of an ATT. The resolution, authored by the governments of Argentina, Australia, Costa Rica, Finland, Japan, Kenya, and the United Kingdom, seeks to establish a Group of Governmental Experts (GGE) to examine the feasibility of establishing common standards for export, import, and transfer of conventional arms.

Speaking on behalf of the European Union (EU) during the thematic debates last week, Finland said, “everyday, everywhere, people are affected by the side effects of irresponsible arms transfers.” As there is currently no comprehensive internationally binding instrument available to provide an agreed regulator framework for this activity, the EU welcomes the growing support, in all parts of the world, for an ATT.

The resolution enjoyed widespread support across Africa, Europe, and Latin America. Among the co-sponsors are a few major or emerging exporters of weapons, including France, Germany, Italy, Serbia, Romania, and Bulgaria, and countries that have been devastated by armed violence such as Colombia, Haiti, Liberia, and Rwanda.

According to the Control Arms Campaign, however, a few major arms exporters remained skeptical of the resolution, preferring only a call for the UN Secretary General to collect state’s views on the feasibility of an ATT. Governments would decide on a GGE in the future. The campaign, run by Amnesty International, Oxfam International, and the International Action Network on Small Arms (IANSA), has been encouraging governments to support an ATT since October 2003.

During the thematic debates on conventional arms, Russia also said they would rather “squeeze out” all the potential from the existing instruments on conventional arms rather than start a new legal framework to address conventional arms proliferation.

A few governments that are not yet co-sponsoring the resolution expressed support for an ATT or efforts to better regulate the international transfer of arms. South Korea, for example, said, “we share the concern that legal transfers of conventional arms are sometimes used as cover for illegal transactions, especially small arms and light weapons. To address this problem, an effective, transparent system of controls over international arms transfers is a prerequisite.”

On Tuesday, October 10, the authors of the resolution introduced a new draft text that incorporated several of the suggestions from governments. Maintaining most of the key elements of earlier drafts, the new resolution does not include a reference to “unrestrained” arms transfers, which several governments thought could be misinterpreted. It also includes a rewording of a preambular paragraph that addressed the need for an ATT.

The Control Arms Campaign indicated that they expected more governments to co-sponsor the resolution. They said many governments from North Africa and Asia have been expressing support for the resolution. A vote on the resolution is expected on Monday, October 23 or Wednesday, October 25.

-Colby Goodman, Amnesty International

North Korea, cont.

called for a moratorium on nuclear tests, and Norway called for states to bring the CTBT into force. Canada’s representative said that the DPRK test necessitated a permanent international ban on nuclear test explosions. Australia introduced a draft resolution, Comprehensive Nuclear-Test Ban Treaty, with language condemning the DPRK test.

- Neal Sandin, Middle Powers Initiative (www.middlepowers.org)



Terrorism

TDuring the thematic debates, many states expressed serious concern over the possibility of terrorists acquiring weapons of mass destruction, primarily nuclear weapons, fissile materials, and delivery devices. Some addressed terrorist possession of small arms and light weapons and conventional weapons. Although there is still no agreed definition of terrorism, there have been fewer references to “state-sponsored terrorism” this year than in years past.

Many states saw the possibility of terrorists acquiring weapons of mass destruction (WMD) as one more powerful reason to abolish nuclear weapons. In line with the Weapons of Mass Destruction Commission’s report, *Weapons of Terror*, Mexico called WMD the “true instruments of terror,” and expressed its concern over WMD falling into the hands of terrorists. Indonesia asserted that WMD are dangerous in anyone’s hands, both state and non-state actors.

States also continued to express support for various international anti-terrorism tools, including Security Council (SC) resolution 1540, which requires states to take measures to prevent terrorists from acquiring WMD, and the Convention on the Prevention of Acts of Nuclear Terrorism. Morocco called for the frightening prospect of nuclear terrorism to be studied, and characterized SC 1540 as demonstrating the international community’s commitment and resolve to combating nuclear terrorism. Russia agreed, calling attention to its own ratification of the Convention on the Prevention of Acts of Nuclear Terrorism, which it termed the basis of international cooperation in preventing terrorism. Norway urged states to ratify this Convention.

Many member states urged the international community to increase their commitments to protecting fissile materials from being illegally trafficked into the hands of non-state actors. Finland, on behalf of the European Union, asserted that the EU “strongly supports all measures that are aimed at preventing terrorists from acquiring nuclear, biological, or chemical weapons and related materials, radiological materials, and their means of delivery”. He cited various instruments for providing the preventative measures for

illegal diversions of fissile materials, including: the International Convention for the Suppression of Acts of Nuclear Terrorism; the Convention on the Physical Protection of Nuclear Material ; a potential Fissile Materials Cutoff Treaty; and International Atomic Energy Agency Safeguards Agreements.

Other member states agreed that the best course of action for combating nuclear terrorism is through the control of fissile materials and nuclear technology. Norway noted that it is working to convert civilian nuclear reactors to run on low-enriched uranium rather than highly-enriched uranium because the latter is weapons-usable. In an obvious reference to Iran, Israel argued that, “states who threaten others, support terrorism or deny the right of other states to exist cannot be trusted with this sensitive [nuclear] technology,” and therefore should not have the right to possess it.

Two draft resolutions this week, both presented by India, addressed the issue of terrorism and WMD. Measures to prevent terrorists from acquiring weapons of mass destruction calls upon member states to actively prevent terrorists from acquiring WMD. This resolution also requests the compilation of a report on measures taken by international organizations on issues relating to the linkage between combating terrorism and the proliferation of WMD. It also notes the UN Global Counter-Terrorism Strategy, adopted 8 September 2006 and “appeals” to States to join the International Convention for the Suppression of Acts of Nuclear Terrorism instead of only “inviting” them to do so.

The draft resolution *Reducing Nuclear Danger* calls for the review of nuclear doctrines as well as a reassessment of the hair-trigger alert status of nuclear weapons, which risks their accidental use. With regards to terrorism, the draft resolution states, “the threat posed by the increased risk of nuclear weapons or its components falling into the hands of non-State actors, including terrorists, has further aggravated existing dangers”. The draft resolution, while very similar to last year’s A/RES/60/79, does have some new elements in the draft text including: language re-

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Biological and Chemical Weapons

Biological and chemical weapons were both dealt with in October 11th's thematic session on "Other Weapons of Mass Destruction and Outer Space". States introduced familiar resolutions, such as the Implementation of the Convention of the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (A/C.1/61/L.19), The Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and on their Destruction (A/C.1/61/L.27), and Measures to uphold the authority of the 1925 Geneva Protocol (A/C.1/61/L.5).

Many states lauded the efficacy of the Chemical Weapons Convention (CWC) in destroying existing stockpiles and in preventing the proliferation of chemical weapons. Some, such as Canada and the Republic of Korea, however, warned against becoming complacent, and urged for universalization and full implementation of the Convention. As Canada noted, while the CWC is "a model of a verifiable disarmament agreement, it still faces important challenges."

Later this year, states parties will address the possibility of extending the deadlines for destroying their chemical weapons stockpiles, presently set for 2012. Some states, including New Zealand and Canada, oppose such an extension, since, as South Korea pointed out, "the Convention clearly stipulates that in no case shall the deadline for a State Party to complete its destruction of all chemical weapons be extended beyond April 2012." While Canada recognized "the circumstances that have contributed to the necessity for some possessor states" to request an extension, they "do not easily accept this request." Furthermore, Canada warned, even a five-year extension "may not be sufficient to ensure the total destruction of all existing stockpiles of chemical weapons," and they "therefore encourage possessor states to redouble their efforts" to disarm "as quickly as feasible."

Ambassador Masood Khan of Pakistan delivered a presentation as the President-Designate of the upcoming Sixth Review Conference on the Convention on the Biological and Toxin Weapons Convention (BTWC). Quoting both the UN Secretary-General and the Report of the Weapons of Mass Destruction Com-

mission, Ambassador Khan insisted that the BTWC expressed a global norm that the use of disease as a weapon was repugnant to mankind. He urged all states parties to work to strengthen the Convention at the November Review Conference.

States called for further universalization of the BTWC, to which 155 states are currently party. Finland, speaking on behalf of the EU, called for full compliance with all obligations, national implementation measures and control over pathogenic microorganisms and toxins. The EU, as well as Australia, South Korea, India, Japan, New Zealand, and Norway supported continuing intersessional meetings between Review Conferences of the BTWC.

Many mentioned the danger connected with the rapid technological advancements in the field of biotechnology and genetic sciences. They asked for the reflection of these developments in the Review Conference. The threat of biological terrorism was also mentioned. Overall, many States seem to have a great interest in modifying and strengthening the BTWC at this year's Review Conference.

-Lukas Jeuck, NGO Committee on Disarmament, Peace and Security (<http://disarm.igc.org>)

Terrorism, cont.

lated to both de-alerting as well as de-targeting, and; a more specific reference to "diminishing role for nuclear weapons in the security policies of nuclear weapons States".

Some member states also expressed concerns over terrorist participation in illegal trafficking, stockpiling, and proliferation of small arms and light weapons (SALW) and conventional weapons. The EU said that as SALW often contribute to the spread of conflict and the collapse of State structures, "the intensified international action against terrorism has made the fight against the illicit trade in SALW even more urgent." (See Conventional Weapons report)

-Courtney Gugliuzza, Reaching Critical Will (www.reachingcriticalwill.org)



Small Arms and Light Weapons (SALW)

During the thematic debate on Small Arms and Light Weapons (SALW), states continued to express disappointment with the lack of outcome in the SALW Review Conference (RevCon) in July. Opportunities for reviving the SALW process came with the tabling of the annual 'omnibus' resolution on SALW and an informal meeting to discuss Canada's proposal for SALW inter-sessional meetings.

Co-sponsored by South Africa, Japan and Colombia, the draft omnibus resolution calls for the UN SALW process to continue with a biennial meeting of states (BMS) to be held in New York no later than 2008, "as stipulated in the [UN] Programme of Action" on SALW (PoA). Emphasizing the importance of the continued implementation of the PoA, including voluntary reporting, the resolution further determines that the BMS will be the framework for reporting on implementation of the International Tracing Instrument adopted by the General Assembly in 2005.

Canada hosted an informal meeting with states and non-governmental organizations (NGOs) to discuss the proposed SALW inter-sessional meeting that would be hosted by Switzerland, June 18-22, 2007 in Geneva. The objective of the meeting would be "to identify and/or refine global principles to govern the transfer of SALW throughout the world." The Suggested Global Guidelines for National Control Governing Transfers of SALW, agreed at the April 2006 Nairobi Conference on Transfer Controls, would be the departure point. These principles are very close to those proposed by the Control Arms campaign as the basis for an Arms Trade Treaty on all conventional weapons. (See ATT report) All UN member states would be invited to participate at this inter-sessional meeting, as well as UN agencies, international and regional organizations and NGOs, the latter solely in an advisory manner. This meeting is intended to be complementary to any formal process agreed by states, so there would be no formal statements. Kenya, France, Switzerland and the UK expressed their support for the meeting. Italy was supportive but questioned whether the starting point of the meeting should be linked so strongly to the Nairobi text.

On Thursday, the thematic debates on conventional

weapons opened with a statement by the President of the RevCon, Ambassador Prasad Kariyawasam of Sri Lanka. He expressed frustration with some states' inability to compromise on issues during the RevCon. He blamed the failure of the conference to agree an outcome document on states' lack of confidence in the UN's ability to address disarmament issues; the unresolved issues of non-state actors and civilian possession; and an unreasonable interpretation of the consensus rule. He went on to say that the RevCon result was not a reason for discouragement and stressed the need for periodic reviews of PoA implementation, as envisaged in the PoA. States expressed general agreement with Ambassador Kariyawasam's assessment.

The floor then opened for general SALW comments during which Brazil (on behalf of MERCOSUR, or the Southern Common Market), Canada, Costa Rica, Finland (on behalf of the EU), Kenya, Mozambique, New Zealand and the Republic of Korea expressed disappointment that the RevCon did not agree on an outcome document and reaffirmed their states' commitment to implementing the PoA. Additionally, all but Mozambique made direct references to the need for BMS follow up meetings. According to the EU, "[t]he review cycle should culminate in a Review Conference."

The session continued on Friday with statements by Indonesia, Israel, Japan, Kenya, Moldova, Norway and Switzerland, all of which highlighted the negative ways in which the illicit trade in SALW affects the world. Indonesia, Japan, Norway and Switzerland directly expressed support for the omnibus SALW resolution, with its promise of follow-on after the RevCon. However, Israel used the RevCon failure to support its interest in a narrow interpretation of the PoA, claiming that some states diverted the focus of the RevCon away from the illicit trade in SALW. In Israel's view, this put into question the effectiveness of future follow on process.

The session ran over the allotted time and will continue on Monday 16 October.

-Mark Marge, The International Action Network on Small Arms – IANSA (<http://www.iansa.org>)



Landmines

Much of the debate on landmines this week focused on mines other than anti-personnel mines (MOTAPM). As discussed in last week's landmines report, anti-personnel mines are banned under the Ottawa Convention, or Mine Ban Treaty. MOTAPM, such as anti-vehicle landmines, are not banned by the Mine Ban Treaty. States Parties to the Convention on Certain Conventional Weapons (CCW) have been considering the issue, and it is one of three subjects the states parties to the CCW will focus on at its Review Conference next month.

After five years of discussions and preparatory work by the CCW's Group of Governmental Experts, progress on MOTAPM continues to gain momentum, albeit slowly. It remains unclear whether there is enough political will to reach an agreement to create a new legally binding instrument banning their use. The President-Designate of the CCW, Ambassador Rivasseau of France, called Ambassador Carlos Antonio da Rocha Paranhos of Brazil's (Coordinator of the CCW's Working Group on MOTAPM) efforts to introduce a protocol on MOTAPM a "mission impossible."

Canada urged states to start negotiations on a new protocol on MOTAPM immediately following the upcoming Review Conference, while Israel hoped to see the CCW adopt a 6th protocol on MOTAPM during the Review Conference. The European Union and The International Committee of the Red Cross also pleaded for action. Switzerland, echoed by New Zealand, said that a new protocol on MOTAPM has an added value for the Convention only if it contains norms that strengthen existing international humanitarian law. New Zealand added that this requirement will not be satisfied by optional provisions on mine detectability and active life.

Australia reintroduced last year's draft resolution on the Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction to seek further reaffirmation of the Convention by state parties. The only major change from A/RES/60/80 was the inclusion of an operating paragraph that "Urges all States to remain seized of the issue at the

highest political level and, where in a position to do so, to promote adherence to the Convention through bilateral, sub-regional, regional and multilateral contacts, outreach, seminars and other means".

-Heikki Hietala, Reaching Critical Will
(www.reachingcriticalwill.org)



CTBT, cont.

sible to detect radiation in the air. Therefore, on-site inspections, which would involve digging into the earth, are needed to verify the DPRK claim. Unfortunately, until the Treaty enters into force, this critical step in verification cannot take place.

The IMS searches for a nuclear explosion by reading seismic waves, infrasound waves, hydro-acoustic waves and measuring radionuclides. It is currently comprised of 189 of the intended 321 IMS stations. All the data from the stations is collected at the International Data Centre (IDC) and made available to member states via the internet. The IMS is also beneficial for its civil and scientific applications, such as predicting earthquake and volcanic eruptions, locating underwater events or tsunamis and monitoring the temperature of the sea and possible global warming. However, Dr. Haak stressed that this system is not yet fully operational and will not be until the entry into force of the CTBT.

- Jennifer Leigh Schwerer, NGO Committee on Disarmament, Peace and Security (<http://disarm.igc.org>)