

FIRST COMMITTEE MONITOR

*NGO Reporting on the United Nations General Assembly
First Committee on Disarmament and International Security
6 October–4 November 2008*

2008

Final Edition

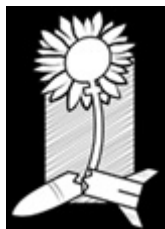
No.5



The *First Committee Monitor* is a collaborative NGO effort undertaken to make the work of the First Committee more transparent and accessible. The *Monitor* is compiled, edited, and coordinated by **Reaching Critical Will** of the Women's International League for Peace and Freedom.

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2008 Number 5 | October–November 2008

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COVER IMAGE: © Control Arms, Million Faces Petition

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Editorial: Crisis of Relevance

Ray Acheson | Reaching Critical Will

Describing the 2008 First Committee as “flat,” “uninspired,” “stale,” and “redundant”—perspectives of four separate delegates given on four separate occasions—participants expressed the feeling that they were simply going through the motions. A few suggested they anticipate more enthusiasm and positive action next year, when a new US administration has had time to recalculate its positions toward the United Nations, multilateralism, disarmament, and arms control. Others expressed pessimism about the chances of revitalizing the stagnant disarmament machinery, particularly the Conference on Disarmament (CD). Still apt today, former-UN Secretary-General Kofi Annan’s assessment of the CD in his 2005 report *In Larger Freedom* noted that the CD “faces a crisis of relevance resulting in part from dysfunctional decision-making procedures and the paralysis that accompanies them.”

Some delegations, however, refused to accept either complacency or pessimism, instead demanding changes to the conceptualization and operationalization of key disarmament mechanisms. On 27 October, the final day of thematic debate, the Chilean delegate argued, “**Disarmament is a global public good but the Conference on Disarmament is not.**” Asking if it is tolerable, in 2008, to “operate behind civil society’s back” or, in the era of globalization and revolutionized communications, to “not consolidate the synergistic relations between the disarmament machinery and other specialized bodies of the UN system,” he suggested that, like the Human Rights Commission, the CD can be reformed to make it more legitimate, inclusive, and transparent.

The Canadian delegation argued that states have “collective ownership of our disarmament machinery” and the responsibility to “repair elements of the machinery that are not functioning, and add on features to address new challenges, in order to operate a system in which our differences can be reconciled, and our common goals realized.” The Norwegian delegation, during the first week of general debate, called for the First Committee to focus on two objectives: building consensus on the need for multilateral disarmament machinery to produce results and fostering a common understanding of how existing and new security threats should be addressed.

In *In Larger Freedom*, Annan points out that the international community lacks “even a basic consensus” on security issues. Reconceptualizing our

vision of disarmament and security should include an understanding of its human security elements. As UNIDIR’s project “Disarmament as Humanitarian Action,” explains, “At root, disarmament and arms control problems are issues of human security.... Yet, security thinking in disarmament and arms control has focused on external threats to states, especially from other states.” While conventional arms control has begun considering humanitarian implications of disarmament, processes and efforts for nuclear disarmament and non-proliferation could benefit from such approaches as well.

Reformatting the operations of our disarmament machinery must also include a new attitude toward multilateralism, responsibility, and effort. Annan wrote, “In recent years, the number of General Assembly resolutions approved by consensus has increased steadily. That would be good if it reflected a genuine unity of purpose among Member States in responding to global challenges. But unfortunately, consensus (often interpreted as requiring unanimity) has become an end in itself.... This has not proved an effective way of reconciling the interests of Member States.”

Suggesting a variety of ways to streamline, consolidate, and improve the procedures and structures of the UN system, Annan warned, “It should be clear that none of this will happen unless Member States take a serious interest in the Assembly at the highest level and insist that their representatives engage in its debates with a view to achieving real and positive results. If they fail to do this the Assembly’s performance will continue to disappoint them and they should not be surprised.”

Many delegations have expressed alarm at the prospect of taking some of the most important disarmament and non-proliferation issues outside of the traditional mechanisms of multilateral negotiations, cynically citing the need for transparency and inclusiveness in order to keep the issues under a stranglehold within stagnant systems that are slowly, painfully, losing their relevance. Yet alternative processes, such as those of Ottawa and Oslo, have demonstrated what can be done outside of traditional machinery, in a fully transparent, inclusive manner. The interests that prevent progress on the most significant threats and challenges to our collective security must not be allowed to stifle the peace, dignity, justice, and economic and social advancement promised by the UN Charter.

Nuclear Disarmament

Jim Wurst | Middle Powers Initiative

The three omnibus nuclear disarmament draft resolutions were approved in the closing days of the First Committee with numbers similar number to those from 2007.

As reported last week, the few changes in the drafts mostly focused on the responsibilities of the nuclear weapons states to eliminate the arsenals. Both the New Agenda's draft, "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments" (A/C.1/63/L.30) and "Renewed determination towards the total elimination of nuclear weapons" (A/C.1/63/L.58), the resolution spearheaded by Japan, contain a few new elements that highlight the responsibilities of the nuclear powers, in particular the United States and Russia.

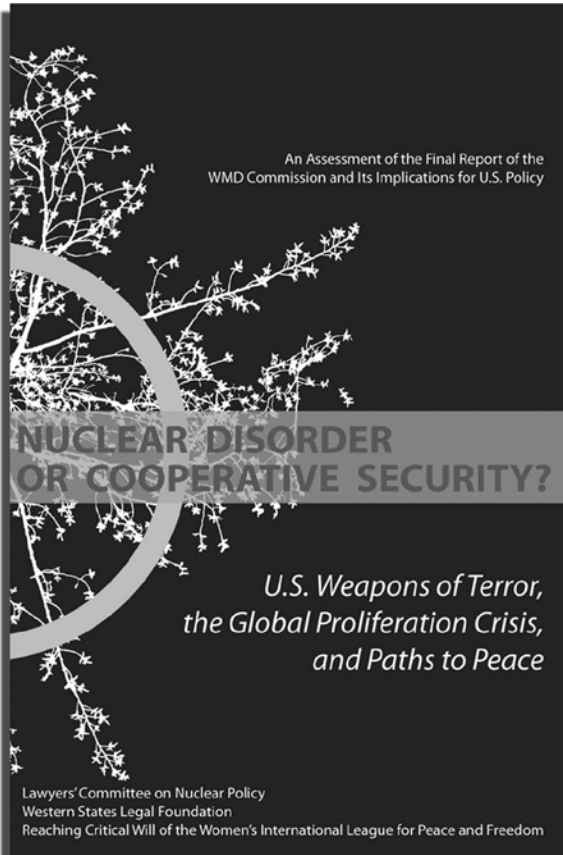
While the votes were mostly on track with last year, the New Agenda resolution did show a bit more progress in swaying abstainers. The 2008 vote was 141 to five, with six abstentions; in 2007 the same five voted no (France, India, Israel, North Korea, and the United States) but 13 had abstained. The movement from abstention to yes this year came from Australia and some NATO countries, including Greece, Hungary, and Poland. There was

also a slight shift on the "Renewed determination" draft. In 2007, three countries voted no—India, North Korea, and the United States; this year those three were joined by Israel. The abstentions shifted from ten last year to six this year.

The third draft, the Non-Aligned Movement's comprehensive text on "Nuclear Disarmament" (A/C.1/63/L.14), contained every nuclear disarmament initiative endorsed by the Movement, including no first use, de-alerting, a CD ad hoc committee on nuclear disarmament, the Comprehensive Test Ban Treaty, a "non-discriminatory, multilateral ... and verifiable" fissile materials treaty and a halt to qualitative improvements in nuclear weapons. Like the other two, this year's version has a couple of additions, both designed to sharpen the focus on elimination of nuclear weapons. The 2008 vote was 104 to 44 with 21 abstentions, following the pattern of last year.

In an explanation of vote, the US delegation said, while it supports the nuclear Non-Proliferation Treaty (NPT)—the keystone to the New Agenda draft—it could not support some of the elements of L.30, so it voted no. The United States does

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An Assessment of the Final Report of the WMD Commission and Its Implications for U.S. Policy

NUCLEAR DISORDER OR COOPERATIVE SECURITY?

U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace

Lawyers' Committee on Nuclear Policy
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Authors: John Burroughs, Jacqueline Cabasso, Felicity Hill, Andrew Lichterman, Jennifer Nordstrom, Michael Spies, and Peter Weiss; Edited by Michael Spies and John Burroughs; Foreword by Zia Mian

Available at www.wmdreport.org



Nuclear Proliferation

Michael Spies | Arms Control Reporter

Though referenced in various resolutions that deal with nuclear weapons issues, the First Committee took action on only two resolutions that deal with nuclear proliferation directly. In the general and thematic debates, the Committee's discussion on nuclear proliferation issues again focused largely on Iran and the Democratic People's Republic of Korea (DPRK). On Iran, a number of delegations, exclusively from Western states, continued emphasize the need for compliance with International Atomic Energy Agency (IAEA) and UN Security Council resolutions. Others reiterated calls for political and negotiated solutions. On the DPRK, most statements reflected setbacks and developments in the denuclearization progress, with all members of the six party process except Japan either limiting themselves to anodyne remarks or not broaching the issue at all. (See FCM 2008, No. 2-3)

Compliance

The First Committee voted to adopt A/C.1/63/L.32/Rev.1, on "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments," by a vote of 142-0-19. In 2002, the First Committee adopted a prior version of this resolution without a vote. In 2005, however, the United States hardened the language of this resolution to bring its tone in line with the views of the Bush administration. These changes resulted in the loss of consensus, with several states including Russia abstaining and China not participating in the vote.

In the present resolution, the United States made only minor revisions to the controversial 2005 text, which is otherwise a copy of resolution 60/55. The preamble now recalls the 2006 report of the Panel of Government Experts on verification in all its aspects and a new paragraph recognizes "the importance of effective national, regional and international capacities for ... verification, compliance and enforcement" consistent with the UN Charter. The operative portions are slightly rearranged, but otherwise unchanged, with the exception of the addition of one paragraph. Paragraph 3 calls upon states to encourage and assist states "in need of assistance to increase their capacity to implement fully their verification and compliance obligations."

In the First Committee, this resolution picked up about a half dozen more abstentions than in 2005, all from Arab states, reflecting continuing dissatisfaction with the text. The key abstainers continued to be Russia, Iran, Pakistan, and Venezuela. While in 2005 the Arab states were split

on this resolution, with many voting in favour, the Arab states abstained as a bloc to the current resolution with only Jordan, Morocco, and Tunisia breaking ranks to vote in favour. As in 2005, China did not participate in the vote. Indonesia and South Africa dropped their 2005 abstentions and voted in favour.

Speaking before and after the vote, delegations reiterated their past criticisms of the text. The broadest critique was that, whereas the prior iteration of the resolution reflected a balance between non-proliferation and disarmament, the present version skews heavily toward non-proliferation. A number of delegations felt the resolution went too far in supporting unilateral assessment or enforcement of treaty obligations, which could be subject to political considerations. Some of these delegations and others emphasized that they would have preferred language reflecting methods for dealing with compliance that are contained within the texts of pertinent treaties and for verification by competent international organizations.

The Middle East

The First Committee also voted to adopt a second resolution, A/C.1/63/L.2, dealing, at least in a titular sense, with "The risk of nuclear proliferation in the Middle East." This annual resolution, introduced by Egypt on behalf of the Arab Group, specifically calls upon Israel to accede to the NPT, to not develop, test or acquire nuclear weapons, to renounce the possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities

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Nuclear Disarmament (cont.)

not support the Comprehensive Test Ban Treaty and maintains that parts of the 1995 and 2000 NPT commitments have been superseded by events. China abstained on L.58 while voting in favour of the other two, saying the "Renewed determination" text has elements that were "not feasible in current circumstances," without elaborating which elements were not feasible.

In sum, this was not a year for bold initiatives, but with the NPT review process entering its end game in 2009, the non-nuclear weapons states were sharpening their agenda ahead of the third and final preparatory session. First and foremost, this meant defending the decisions of the 1995 and 2000 Review Conference and reminding the nuclear weapons states of their obligations.

Operational Status of Nuclear Weapons

Michael Spies | Arms Control Reporter

After the vigorous debate sparked last year by the introduction of a new resolution calling for reductions in the operational readiness of nuclear weapons, progress on the issue remained static throughout the current session of the First Committee. The Committee took action on three resolutions that expressly deal with the issue in some manner, with varying degrees of support. In the general and thematic debates, only a few states referenced the operational status of nuclear weapons, including Switzerland, Norway, and the New Agenda Coalition. The Swiss and New Zealand delegations both described reducing the operational status of nuclear weapons as a priority for their governments.

The initiative started last year by Chile, New Zealand, Nigeria, Sweden, and Switzerland appeared to make little new headway. Joined by Malaysia as a co-sponsor, the states introduced an unchanged resolution (A/C.1/63/L.5) based on resolution 62/36 (2007) entitled "Decreasing the operational readiness of nuclear weapon systems." Introducing the resolution, the Swiss delegation explained that the resolution's key provisions continue to acknowledge and welcome de-alerting steps already taken and call on all states possessing nuclear weapons to take further steps. Although delegations spent less time addressing the topic at the 63rd General Assembly, the sponsors of the resolution described the discussion as more substantive and less semantic than in 2007.

The vote on the resolution, which the Committee adopted 134-3-32, was similar to 2007, reflecting the static nature of the current text. France, the United Kingdom, and the United States voted against the resolution again as a bloc. The US delegation again delivered a statement on behalf of the three opposing states, reiterating their disagreement with the resolution's premise that operational readiness is related to risk of accidental use and that lowering alert levels will increase international security. Russia, which did not participate in the vote on the resolution in 2007, abstained. The resolution did not attract any new support from NATO, with the same block of seven states—Belgium, Germany, Iceland, Italy, Norway, Portugal, and Spain—voting in favour and with the remaining states abstaining.

A number of abstaining states, including China, Russia, and members of NATO, offered a new rationale for their reservations on the call in OP1 "for the taking of further practical steps to decrease the operational readiness of nuclear weapons

systems, with a view to ensuring that all nuclear weapons are removed from high alert status." These delegations pointed to the language used in Japan's annual nuclear disarmament resolution, which reflects language agreed to by consensus in the final document of the 2000 NPT Review Conference.

Japan's resolution, L.58, in OP8, "Calls for the nuclear-weapon States to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security." Several abstainers faulted the L.5 text for not incorporating the language on maintaining strategic stability.

NATO was divided on this rationale, though, as a number of co-sponsors of Japan's resolution also voted in favour of this resolution, including Belgium, Germany, and Italy. Canada, another co-sponsor of Japan's resolution, however, cited the omission of language on strategic stability as a primary reason for its abstention. All the states that abstained from L.5 voted in favour of Japan's resolution, with the exception of the United States, which opposed both.

Beyond the strategic stability rationale, some abstaining delegations offered additional reasons for their vote. The Chinese expressed the desire to pursue de-alerting as an intermediary measure in the context of the disarmament process and reiterated its call for non-first use declarations. The Russian delegation claimed the initiative is not feasible for technical reasons, without elaborating. The Lithuanian and Canadian delegations emphasized the importance of deterrence to NATO, though Lithuania, noting changes in the political and security environment, indicated that it "may consider reassessing its attitude toward the resolution on de-alerting."

Government and civil society supporters of L.5 argue that reducing the operational readiness of nuclear forces will enhance international security rather than diminish it. Proponents of de-alerting charge that maintaining nuclear weapons at high levels of readiness increase the risk that these weapons might be used unintentionally or by accident. Others have argued against the continued relevance of nuclear deterrence. The Wall Street Journal Op-Ed authors, for instance, have argued that "reliance on nuclear weapons for [deterrence] is becoming increasingly hazardous and decreasingly effective."

The third resolution dealing with operational status was India's annual resolution entitled "Re-

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Comprehensive Test Ban Treaty

Ildikó Bors | Middle Powers Initiative

On 28 October, the First Committee adopted draft resolution A/C.1/63/L.55 on the Comprehensive Nuclear Test Ban Treaty (CTBT) with 168 in favour, one opposed (the United States), and 3 abstentions (Mauritius, India, and Syria). Out of the nine Annex II countries whose ratification of the Treaty is mandatory for it to enter into force, all but the United States, India, and the Democratic People's Republic of Korea, which last year did not cast a vote at all, voted in support of the resolution. The delegations of Syria, Colombia, Israel, and Pakistan—of which the latter two are Annex II states pending ratification of the Treaty—offered an explanation of their vote.

Pakistan's delegation underlined its consistent support of the CTBT over the years, but stated that it would like its moratorium on nuclear testing to be reflected in the resolution. In its explanation of vote, Colombia's delegation expressed hope that the CTBT will limit the development of new nuclear weapons.

Israel's representative emphasized the importance of the CTBT and its possible future contribution to security and stability in the nuclear sphere. According to its statement, "Israel's signature reflects its long standing policy to bring itself closer, wherever possible, to international norms on nuclear safety, security and non-proliferation." The delegation cited three major considerations for ratification: the completion of a verification regime that is robust to detect non-compliance and immune to abuse, the ensuring of sovereign equality and Israel's status in the Policy Making Organs of the Treaty, and the adherence and compliance with the Treaty by states in the Middle East.

The Syrian delegation abstained, maintaining that such an important treaty should not ignore the legitimate concerns of non-nuclear weapon states that have not been given negative security assurances and that are not allowed to have access to advanced technology for acceleration of development. Syria's delegate also argued that the CTBT does not include the obligation of nuclear weapon states to dismantle their nuclear arsenals in a reasonable time, it does not confirm the importance of achieving universality of the nuclear Non-Proliferation Treaty (NPT), and fails to refer to the illegality of use or threat of use of nuclear weapons. Furthermore, the delegation of Syria asserted its concern that some states may misuse data of the International Monitoring System and criticized the text L.55 as limited to explosive tests only without mentioning laboratory tests.

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Operational Status (cont.)

ducing nuclear danger," A/C.1/63/L.16, which the Committee adopted with a vote of 108-50-13. The text of this resolution, as in past years, focuses on the adoption of measures to prevent accidental launch of nuclear weapons related to computer or other technical malfunctions and calls on states to take nuclear forces off "hair-trigger alert." As in the past, NATO and EU member states opposed this resolution, which is supported by the Non-Aligned Movement.

Nuclear Proliferation (cont.)

ties under IAEA safeguards as a confidence-building measure. Some states have expressed increasing vocal reservations to this text in recent years for failing to address the full scope of proliferation issues in the region. Most states continue to support it, however, because it largely coincides with their position in support of universalizing the NPT.

The Committee adopted L.2 by a vote of 161-5-5, with the negative votes coming from Israel and from the United States and its dependencies. As in past years, the Committee voted separately, 157-4-5, to retain PP6, which makes reference to the final document of the nuclear Non-Proliferation Treaty (NPT) 2000 Review Conference and calls for universal adherence to the Treaty. This year, Pakistan joined India, Israel, and the United States in voting against this paragraph.

A number of Western delegations again took issue with what they view as the resolution's selective approach to the issue of proliferation in the region. The delegations of Australia and France, on behalf of the European Union, both pointed to the cases of Iran and Syria. The Swiss delegation faulted the resolution for taking into account only one aspect of the risk in the region and said the sponsors need to take into account the current context. The US delegation reiterated its past criticism that the resolution does not meet its standard for fairness and balance.

Other Resolutions

The issue of nuclear proliferation, and specifically the issue of the DPRK nuclear programme, came up in a number of other annual resolutions, including the nuclear disarmament resolutions of Japan (L.58) and the New Agenda Coalition (L.30) and the resolution on the Comprehensive Test Ban Treaty (L.55). These resolutions respectively call for the DPRK to comply with relevant UN Security Council resolutions, for it to return to the NPT, and for the denuclearization of the Korean Peninsula.

Fissile Materials

Michael Spies | Arms Control Reporter

For a second year in a row, the Canadian delegation announced at the outset of the First Committee session that it would not table a draft text on a Fissile Materials Cut-off Treaty (FMCT). In his statement to the general debate, Ambassador Grinius blamed a "small handful of countries that wish to retain the capacity to produce fissile material in the future" for indefinitely blocking forward movement on the treaty.

The General Assembly first adopted a resolution on an FMCT in 1993, by consensus. The last time the General Assembly expressed support for an FMCT, however, was in 2004, when it adopted resolution 59/81 by a vote, with 179 states in favour, the United States and Palau against, and with Israel and the United Kingdom abstaining. In 2006, the Canadian delegation withdrew its draft resolution after it became clear it would not gain consensus. In 2007, the Canadian delegation found in preliminary consultations that it could not even find consensus on a procedural decision to put the issue on the agenda for the current session of the General Assembly.

According to the International Panel on Fissile Materials, only India, Israel, and Pakistan are believed to be currently producing fissile material for use in weapons. Both India and Pakistan are presently constructing new weapons-related fissile material production facilities. Indian Ambassador Rao reiterated in his general statement that India supports negotiation in the Conference on Disarmament (CD) of a universal, non-discriminatory, and verifiable FMCT.

Pakistan, however, is believed to be the key state blocking consensus on the commencement of negotiations in the CD. In his general statement, Ambassador Akram rejected as "not factually correct" the position that a fissile materials treaty is more "ripe" than any other priority issue in the CD, which include negative security assurances, prevention of an arms race in outer space, and nuclear disarmament. He said his country would endorse any programme of work in the CD that treats the four core issues "in a balanced manner," suggesting it would allow negotiations to proceed on a fissile materials treaty if the CD also agrees to negotiating mandates on its three other core issues—an idea not supported by many states. In the thematic debate, however, he said affirmed that Pakistan supports "negotiation of a verifiable treaty on fissile material in the Conference on Disarmament," further reiterating the view that the treaty must also include past, present, and future

Comprehensive Test Ban Treaty (cont.)

The general statement delivered by the European Union before the vote on L.55 reflects the majority of opinions about the Treaty in the First Committee this session. Reaffirming it as a "crucial instrument for nuclear disarmament and non-proliferation" the EU delegation attached the greatest importance to the entry into force of the Treaty as soon as possible. Statements throughout First Committee placed vital importance on the entry into force and universality of the Treaty as essential for the sustainability of the NPT regime and a constructive step in restraining vertical proliferation.

Some representatives voiced frustration on level of ratification of the CTBT. Indonesia's delegate expressed deep concern that the United States and China have not ratified the Treaty and that there is no positive indication on the part of the three non-NPT state parties—India, DPRK, Pakistan—that they are ready to sign it. In addition, Ms. Setsuko Thurlow, an atomic bomb survivor from Hiroshima shared disillusion in her testimony that the Treaty has not entered into force.

Many delegates, however, noted with satisfaction that in the lead up to the 2010 NPT Review Conference, a new dynamic is taking shape, shown notably in the Final Declaration of the Conference on Facilitating the Entry into Force of the CTBT, held in Vienna in September 2007 and the regional meeting on the CTBT in Costa Rica. The EU delegation also acknowledged this dynamic in favour of the Treaty, as shown, among other aspects, by new signatures and ratifications and by the fourth ministerial meeting this past September 2008. It also declared a commitment to "seize all contact opportunities with States not yet member of the CTBT in order to move forward the cause of its universalisation" and urged all states parties to respect their financial commitments toward the CTBT Organization in order to allow the completion of the Treaty's verification regime. The EU announced the adoption of a new joint action, amounting to over 2.3 million euros, in support of activities of verification and surveillance with the objective of strengthening detection capacities and bringing technical assistance to signatories in Africa.

More generally, the EU called the Annex II states to sign and ratify the CTBT without delay and conditions. It is in their hands to cease impeding the progress of nuclear disarmament, peace, and security.

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Nuclear Weapon Free Zones

Sandra Fong | Women's International League for Peace and Freedom

First Committee adopted without a vote draft resolution A/C.1/63/L.1, "Establishment of a nuclear-weapon-free zone in the region of the Middle East." Unchanged from last year, the resolution calls on all states in the region to adhere to the nuclear Non-Proliferation Treaty (NPT) and place all nuclear facilities under International Atomic Energy Agency (IAEA) safeguards; declare their support for establishing a nuclear weapon free zones (NWZF); and not develop, test, produce, acquire, or station nuclear weapons on their territories.

While joining consensus, Israel's delegation emphasized, "the establishment of a NWZF should emanate from within the region, based on arrangements freely arrived at through direct negotiations between states of the region, applying a step by step approach." The Iranian delegation reminded First Committee that the General Assembly has always endorsed the establishment of a NWZF in the Middle East; however, this goal has yet to be fulfilled. Iran's representative also accused the United States of adopting "damaging policies," arguing that US and European indifference to Israel's nuclear weapons is a "disservice to the NPT regime."

First Committee also adopted draft resolution A/C.1/63/L.2, "The risk of nuclear proliferation in the Middle East," with a vote of 159 in favour, 5 against, and 7 abstentions. Australia's delegation abstained from the vote, stating that it was unbalanced as it "singles out Israel and does not include a reference to the other Middle East states of proliferation concern." The European Union's representative also expressed concern regarding the absence "of references to certain relevant developments concerning nuclear proliferation" in the region. However, the EU member states voted in favour of L.2, reiterating in their joint explanation of vote their commitment to the creation of a NWZF in the Middle East that is effectively verifiable. The EU statement also emphasized, "The objective to create a NWZF in the Middle East cannot be reached unless all States of the area are convinced that their security will not be diminished but enhanced in becoming part of such a mechanism." For more information on L.2, see the Nuclear Proliferation report.

129 states voted in favour of draft resolution A/C.1/63/L.37, "Establishment of a nuclear-weapon-free zone in Central Asia," while 36 delegations abstained. The United Kingdom, the United States, and France voted against the resolution.

Giving essentially the same joint explanation of vote as they did in 2006, they complained that the consultations with nuclear weapon states leading up to the establishment of the Central Asian NWZF were inadequate and did not satisfactorily answer their question about Article XII of the NWZF Treaty, which indicates that existing treaty obligations of the states parties would not be affected by this new Treaty. The three delegations argued, "The provisions of this new Treaty must take precedence over any pre-existing treaty obligations which would fundamentally undermine its objective; otherwise, this Treaty will have little meaning," and reiterated their availability for further consultations.

On behalf of Austria, Ireland, Japan, Liechtenstein, Malta, New Zealand, Sweden, and Switzerland, Japan's ambassador explained that while all eight voted in favour, "it is important that the five nuclear weapon states are consulted during negotiations of each treaty establishing a nuclear-weapon-free zone," as stipulated by the 1999 UN Disarmament Commission report. The eight states "take note of the expressed readiness of the five Central Asian States to continue consultations on a number of provisions on the Treaty," noting that L.37 outlined this willingness in operative paragraph 2.

As in the past, the delegations of the United Kingdom, United States, and France again voted against draft resolution A/C.1/63/L.40, "Nuclear-weapon-free southern hemisphere and adjacent areas." In a joint statement, they explained their concern over the resolution's "ambiguity" regarding its relationship to "principles and rules of international law relating to the freedom of the high seas and the right of passage through maritime space." This concern is in reference to L.40's call upon states parties and signatories to existing NW-FZs "to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas."

Pakistan and India's delegations also maintained their position on the resolution, abstaining from the vote as a whole and voting against operational paragraph 6. India's delegation explained, the call for a NWZF in South Asia in that paragraph "contravenes the well-established principle" that NWZF must be established by the countries of the region concerned. It argued that the proposal in L.40 "has no greater validity than the establishment of nuclear weapon free zones in other parts of the world" where nuclear weapons exist.

Negative Security Assurances

Madeline Woo | Reaching Critical Will

On 30 October, the First Committee adopted draft resolution A/C.1/63/L.7, "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons," with a vote of 110-1-55. Only the United States voted against. The resolution asks states to work towards a legally-binding agreement, urges more intensive efforts towards finding this agreement, and also "recommends that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement."

Pakistan's delegation gave a statement introducing and supporting the resolution, arguing, "positive and negative assurances given thus far, being conditional and non-binding, essentially amount to political declarations," and recommending the Conference on Disarmament (CD) "actively continue intensive negotiations with a view to reaching [an] early agreement on negative security assurances." While declaring its support for negative security assurances, South Africa's delegation abstained from L.7 because "security assurances rightfully belong to those States that have foresworn the nuclear-weapons option, as opposed to those who still prefer to keep their options open." The South African delegation expressed its belief that "the negotiation of legally binding security assurances should take place under the NPT [nuclear Non-Proliferation Treaty] umbrella within the context of the Strengthened Review Process of the Treaty."

First Committee adopted one other resolution dealing with negative security assurances, A/C.1/63/L.15, "Convention on the Prohibition of the Use of Nuclear Weapons," with a vote of 110-11-50. The draft resolution asks the CD to begin negotiations to reach an agreement "on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances," and also asked the Conference on Disarmament "to report to the General Assembly on the results of those negotiations." The representative of Brazil explained his vote in favour, citing support for paragraph three, which says that "a multilateral, universal and binding agreement prohibiting the use or threat of use of nuclear weapons would contribute to the elimination of the nuclear threat and to the climate for negotiations leading to the ultimate elimination of nuclear weapons, thereby strengthening international peace and security," and paragraph seven, which expressed the determination to create and international conven-

tion that would ultimately lead to the destruction of nuclear weapons. The Brazilian delegation felt that these paragraphs promoted the ultimate goal of total nuclear disarmament. It also expressed the opinion that negative security assurances could not be a substitute for multilaterally-agreed disarmament measures, which should be transparent, irreversible, and verifiable.

Both L.7 and L.15 are similar to resolutions that have been introduced and adopted by the First Committee in previous years. This is the third year in a row the United States has voted against the resolution on negative security assurances. As last year, it was the only delegation to vote against the resolution. China still remains the only nuclear weapon state to have given negative security assurances against using nuclear weapons against non-nuclear weapon states and the only country of the five nuclear weapons states of the NPT to vote in favour of negative security assurances. Non-NPT nuclear weapons states India and Pakistan joined China in voting in favour of L.7.

During thematic debate, Pakistan criticized the "emergence of doctrines envisaging the use of nuclear weapons even against non-nuclear weapon States" and reiterated its declaration not to use or threaten to use its nuclear weapons against any non-nuclear weapon state. China reiterated its unconditional commitment not to use or threaten to use nuclear weapons against non-nuclear weapon states and nuclear weapon free zones. The United Kingdom emphasized its commitment to the negative and positive security assurances it has given to non-nuclear weapon states noted in UNSC resolution 984 (1995). The United Kingdom said that NSAs are best guaranteed through protocols annexed to nuclear weapon free zone treaties.

During general and thematic debate, many nuclear and non-nuclear weapon states emphasized the importance of legally-binding negative security assurances. South Africa, Russia, and Pakistan emphasized that NSAs were a key element of the 1995 extension of the NPT. Russia said it considers security assurances to NPT non-nuclear weapon states "a core principle for strengthening the regime of the Treaty." Russia also said it stands "for the soonest development of an international convention on assurances" that would "take into account reservations regarding the situations when nuclear weapons may be used in accordance with military doctrines of nuclear powers," and supports the idea of re-establishing the CD's ad hoc committee on NSAs with a negotiating mandate.



International Court of Justice

Marcy Fowler | Lawyers' Committee on Nuclear Policy

On 28 October, the First Committee adopted A/C.1/63/L.19, "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*" by a vote of 118 in favour, 30 opposed, and 22 abstentions. The text of this resolution is unchanged from the previous years. The first operative paragraph underlines the unanimous conclusion reached by the International Court of Justice (ICJ) in its 1996 opinion that "that there exists an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." The second operative paragraph calls on all states to commence "multilateral negotiations leading to an early conclusion of a nuclear weapons convention." Last, the resolution requests that all states "inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament."

In his report on the follow-up of resolutions adopted by the First Committee on 14 October, High Representative for Disarmament Affairs Sergio Duarte noted that the report on the ICJ resolution received replies from only four delegations in 2008—one less from 2007. Only 2 of the resolution's 28 co-sponsors submitted reports in 2008.

The number of delegations opposed to the ICJ resolution increased from last year by five votes. The no votes came from those nations that traditionally vote no: among nuclear weapon possessor states, Russia, France, United Kingdom, United States, and Israel; all of the North Atlantic Treaty Organization (NATO) countries with the exception of Canada and Romania, which abstained. In addition to the traditional no voters, Albania, Estonia, Georgia, Palau, and Macedonia also voted no, though they did not oppose the 2007 resolution. By voting in opposition, Estonia moved into line with other NATO countries. The votes in opposition by Albania, Georgia, and Macedonia likely were influenced by their aspiration to join NATO. Palau, which has been absent in the vote for this draft resolution in the last several years, is under a Compact of Free Association with the United States that makes the US responsible for the defence of Palau. Though Palau has the world's first nuclear-free constitution, it often aligns with US positions.

The number of co-sponsors to the draft resolution doubled from 2007's 28 to 56 this year, with the additional co-sponsors being from South Asia,

Southeast Asia, Latin America and the Caribbean, South America, the Middle East, and Africa. There were again no co-sponsors from Western or Eastern Europe or the former Soviet states. The number

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Fissile Materials (cont.)

production to avoid, *inter alia*, "freezing regional asymmetries."

In their general and thematic statements, a dwindling number of delegations took time to reiterate their desire to see negotiations commence—about a dozen countries in all, including China, the European Union, and the United States. Australia, Switzerland, and the Rio Group called for negotiations without preconditions. The US delegation, which tabled a draft FMCT text in the CD in 2006, only made reference to this fact in its general statement, declining to repeat past calls for states to use it as a basis for negotiations. While the US text had been politely welcomed by many states, it had also been widely critiqued for its omission of verification provisions, consistent with US opposition to such measures.

The lack of progress during the First Committee session underscores the reality that negotiations are unlikely to commence in the CD any time soon. Dr. Percaya suggested negotiation of an FMCT could take place within the NPT, however, this approach would leave out the only three states that are presently believed to be producing fissile materials.

Although not specifically referring to the stalemate in the CD, Ambassador Grinius cited the adoption of the final document of the UN Programme of Action on Small Arms and Light Weapons biennial meeting 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." This precedent, however, seems out of the bounds of possibility for the CD. As predetermined by the final document of the First Special Session of the General Assembly on Disarmament, 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. Such a decision, however, would also have to be exercised by consensus in conformity with rule 18, thus precluding any easy procedural solution to the present deadlock.

Biological and Chemical Weapons

Ann Lakhdir | NGO Committee on Disarmament, Peace and Security

Biological Weapons

First Committee adopted without a vote draft resolution A/C.1/63/L.11, "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction." L.11 is based on last year's resolution of the same name and has been updated to reflect recent developments, including new ratifications of the Biological and Toxin Weapons Convention (BTWC) and the establishment of the Implementation Support Unit.

First Committee also adopted resolution A/C.1/63/L.25, "Measures to uphold the authority of the 1925 Geneva Protocol," by a vote of 160-0-3. The three abstentions came from the United States, Israel, and the Marshall Islands. A biennial resolution, it contained only two technical updates in PP.1 and OP.4 from its 2006 version. The text calls on states "to observe strictly the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and reaffirms the vital necessity of upholding its provisions," and calls on those states that continue maintain reservations to the 1925 Geneva Protocol to withdraw them.

No discussion took place on either L.11 or L.25. In 2006, France introduced a non-paper encouraging withdrawal of reservations to the 1925 Geneva Protocol. According to France, "Only 22 States still hold reservations that are often incompatible with the commitments made within the framework of the BTWC and CWC."

During general and thematic debate, many delegations, including those of New Zealand, Canada, the Non-Aligned Movement, and the European Union, commended the intercessional meetings of the BTWC for promoting high-level debate and facilitating interactive exchange between scientific experts. Others emphasized the importance of negotiating and adopting a legally-binding protocol on verification. The Non-Aligned Movement called for "an effective and verifiable BWC, which is implemented in a comprehensive manner," and the Rio Group called for the universalization of the BTWC.

Chemical Weapons

First Committee adopted without a vote draft resolution A/C.1/63/L.17, "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction." L.17 incorporated a few small changes

from last year's resolution. Operative paragraph 2 now underlines that the implement of the Chemical Weapons Convention (CWC) also "provides for assistance and protection in the event of use, or

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International Court of Justice (cont.)

of delegations voting in favour slightly decreased since last year—those who voted yes in 2007 but not in 2008 were: Comoros, Equatorial Guinea, Gambia, and Sierra Leone. Those in favour this year, as in past years, included three nuclear weapon possessor states, China, India, and Pakistan.

In statements during the First Committee, several delegations referred to the 1996 advisory opinion. Pakistan, a co-sponsor of the resolution, stated that the ICJ "has called for negotiations on a nuclear weapons convention to secure complete and irreversible disarmament." Cuba noted that despite the opinion and the calls for disarmament from the international community, some nuclear weapons states "still refuse to renounce the use of nuclear weapons," continue to feature nuclear weapons in military doctrine, and continue technical improvements in their nuclear arsenals. Speaking on behalf of Association of Southeast Asian Nations, Myanmar also invoked the opinion.

In addition to the resolution, this year there have been notable calls for adherence for compliance with the law as stated by the Court from international lawyers. In a 22 October 2008 *Harvard International Review* article, Sam Shoamanesh, the Associate Legal Officer in the Division of Victims and Counsel of the International Criminal Court, pointed to the United States' "repeated refusals by the United States to rule out nuclear first strikes against Iran" as in direct contravention to the opinion. A May 1 2008 conference in Geneva organized by the World Court Project to Abolish Nuclear Weapons featured Judge Bedjaoui, president of the ICJ when it gave its 1996 opinion on nuclear weapons, as the keynote speaker. He said that the "good faith" required by NPT Article VI obligation to negotiate nuclear disarmament and by general international law requires, *inter alia*: a persevering quest for an acceptable compromise; refraining from acts incompatible with the object and purpose of the NPT; and respect for the integrity of the NPT.

John Burroughs of the Lawyers' Committee on Nuclear Policy contributed to this article



Outer Space

Ray Acheson | Reaching Critical Will

As it has for decades, the First Committee adopted by overwhelming majority the draft resolution on preventing an arms race in outer space (PAROS), A/C.1/63/L.4. As since 2005, the US delegation voted against the text and Israel abstained. The US did not, however, offer its standard explanation of vote—its contention that arms control is not a viable solution to space security is well known by now. The resolution contains only technical updates from last year's version. (See FCM 2008, No. 4)

The European Union's representative explained that the EU votes unanimously in favour of resolutions on transparency and confidence-building measures (TCBMs) in outer space and on PAROS. However, the EU delegate argued that the references in L.4 to the Conference on Disarmament (CD), as contained in preambular paragraphs 11 and 18 and operative paragraph 6, "do not take into account the developments and progress" over the last two years in that forum. Japan's ambassador suggested the issue of how to deal with PAROS in the CD "should be without prejudice to and based upon the result of the ongoing discussions in the CD."

Russia re-released its draft resolution on TCBMs in outer space as A/C.1/63/L.44/Rev.1 with an amendment to preambular paragraph six, which now specifically notes the "views and ideas expressed by the European and other States" during debates on outer space in the CD in 2008. As with L.4, the text was only opposed by the United States, which argued, "the resolution makes an unacceptable linkage between proposals for voluntary pragmatic TCBMs and the commencement of futile negotiations on unnecessary and unverifiable space arms control agreements." Israel abstained. During debate, the Russian, Chinese, and Cuban delegations argued that TCBMs are only meaningful in the framework of a legal instrument and cannot substitute a new legal instrument on space.

Delegations proposed a number of space security measures in the course of First Committee this year.

Sri Lanka's delegate emphasized the need to establish an ad hoc committee on PAROS in the CD to prevent a "race to the bottom." It also called for "global action plans" on space debris, while Canada's delegate called on states to adopt and abide by the COPUOS debris mitigation guidelines. The delegation of Belarus urged all states to join the

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Missiles

Michael Spies | Arms Control Reporter

At its 63rd session, the First Committee took action on two contrasting approaches to dealing with the issue of missiles. Few delegations touched on the issue of missiles during the general and thematic discussions. The French delegation, on behalf of the European Union, noted the 2007 US-Russian joint statement on internationalizing the Treaty on Intermediate Nuclear Forces (INF Treaty) and expressed interest in the March 2008 French proposal to negotiate a treaty banning short- and medium-range surface-to-surface missiles. The Russian delegation repeated its call for a legally-binding global missile regime and called for an active discussion and for states to submit proposals on realizing its proposal to globalize the INF Treaty.

A Comprehensive Approach

Iran, on behalf of co-sponsors Egypt and Indonesia, introduced draft resolution A/C.1/63/L.27 entitled "Missiles," which follows on the conclusion of the Third Panel of Government Experts on Missiles and its July 2008 report. The Third Panel, which convened in 2007 and 2008 pursuant to resolution 59/67 (2004), released its report, A/63/176, in July. The Panel, which could not find consensus on many basic substantive issues, concluded the UN should provide a more structured and effective mechanism to continue deliberations and build consensus on the increasingly complex issue. The Panel agreed a step-by-step approach was needed but could not reach agreement on any particular set of actions.

The short resolution follows the basic approach of past resolutions introduced by Iran on the subject, calling for a comprehensive, balanced, and non-discriminatory approach to the issue of missiles. It welcomes the report of the Secretary-General, submitted pursuant to resolution 59/67 (2004), and directs the Secretary-General to seek the views of states and to submit them to the 65th session of the General Assembly. With this resolution, the sponsors continue to incrementally push for a more comprehensive approach to missiles through the UN system. Against the objections of NATO and European states, the Non-Aligned Movement has continued to support this process in an effort to promote discussion of the issue in a universal forum. While many delegations undoubtedly believe the issue of missiles deserves greater attention, the role of Iran in shepherding this process have led many key Western states to write off this effort.

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Missiles (cont.)

The Committee adopted L.27 by a vote of 112-9-50, following the same voting pattern from previous years. Despite participating in the work of the Third Panel and agreeing by consensus to its report, members of NATO and the European Union continued to oppose or abstain from this resolution as a bloc, largely due to its provenance. These states expressly promote the Hague Code of Conduct Against Ballistic Missile Proliferation and the Missile Technology Control Regime as the sole means to deal with the issue of missile proliferation. The US delegation, on behalf of itself and the United Kingdom, pointed to the lack of consensus on the issue, noting that the Panel's report was largely descriptive. The US/UK statement expressed advanced opposition to additional studies on the subject.

Hague Code of Conduct

After a two-year hiatus, the sponsors of resolution 60/62 (2005) entitled "Hague Conduct of Conduct Against Ballistic Missile Proliferation" introduced draft resolution A/C.1/63/L.38, which includes only technical updates to the 2005 text. The resolution, which focuses exclusively on preventing the proliferation of ballistic missiles capable of carrying weapons of mass destruction, invites all state to subscribe to the Hague Code of Conduct (HCOC) and encourages exploration of other ways and means to deal with ballistic missile proliferation.

The Committee adopted L.38 by a vote of 146-1-19, with Iran again casting a rare solitary vote in opposition. The other two sponsors of L.27, Egypt and Indonesia, both abstained again, expressing the view that the UN should take the lead on the issue. The Egyptian delegation criticized the HCOC as a discriminatory export control regime developed outside the UN. The Indonesian delegation called again for a multilateral and non-discriminatory international instrument on missiles.

As in past years, a broad cross-regional group of Non-Aligned states cast abstaining votes, although the number of co-sponsors has continued to rise to more than 100. Other key abstainers continued to be missile-possessing India, Pakistan, and Syria. The resolution also lost ground among Arab states, as Qatar, Oman, and Yemen switched from a vote in favour to an abstention. As in 2005, Bahrain, Saudi Arabia, and the United Arab Emirates did not participate in the vote. Non-HCOC-subscriber Brazil voted in favour, but expressed reservations. HCOC-subscriber Venezuela abstained.

Abstaining delegations generally expressed the view that the issue of missiles should be dealt with comprehensively—addressing both horizontal and vertical proliferation—and within the UN. The Russian delegation, which voted in favour, said it considered the HCOC and the UN Panel of Experts to be a step toward an international instrument. Some delegations faulted the drafters of the resolutions for not considering amendments to their text. Iran, however, did not repeat its attempts in 2004 and in 2005, with Egypt and Indonesia, to introduce amendments broadening the scope of the resolution. In both years, the First Committee voted overwhelmingly to reject those amendments, which, *inter alia*, would have expanded its scope to also endorse constraining development of ballistic missiles as well as proliferation.

Space (cont.)

Russian moratorium on placing weapons in space, arguing it would contribute to creating legally-binding instruments. Cuba's delegation called for the use of nuclear energy sources in outer space to be "restricted to the extent possible, until there is a clearly defined security framework and more concrete agreements have been initiated." The Republic of Korea called for increased cooperation between COPUOS, the First and Fourth Committees, and the International Telecommunications Union.

On behalf of the NGOs that drafted the statement on space security for the NGO presentations on 27 October, Ben Baseley-Walker of the Secure World Foundation outlined some possible steps forward for the international community to protect and preserve outer space. He suggested the establishment of space traffic coordination, an international accord on working practices in space, internationally recognized norms of behaviour, and technical and diplomatic confidence-building measures; consolidation of the purpose and implementation of the COPUOS debris mitigation guidelines; and negotiation of an international agreement on banning the testing and use of debris-causing kinetic anti-satellite weapons.

The NGO statement urged the international community to build "an effective network of international norms" and work "towards a rules-based system, approaching many of the key topics in space security from a technical standpoint and utilizing the success of models such as the UN Space Debris Mitigation Guidelines to engender effective discussion and progress." It argued that such an approach "has the potential to foster

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the long-term sustainability of space activities and help propagate a more stable security environment in space as well as here on Earth.”

Despite the US delegation’s position on PAROS—that there is no arms in outer space and thus there is nothing to take action on—nearly all other actors in the international community, at the governmental, commercial, and civilian levels, understand that we have the unique opportunity to use multilateral cooperation and international law to prevent the serious consequences of weapons and war in a very important arena. Unfortunately, as Andrew Lichterman of the Western States Legal Foundation wrote in 2007, those who want to establish effective space security face a “constellation of powerful interests” that drive the military superpower to permanently pursue advanced weapons and methods of warfare. Any arms control measure must identify the organizations, institutions, and segments of government that view relevant legally-binding treaties a threat to their “right” to global military dominance.

Bio/Chem Weapons (cont.)

threat of use, of chemical weapons and for international cooperation for peaceful purposes in the field of chemical activities.” The resolution also places more emphasis on the continuing relevance and importance of Article X and on the activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in relation to assistance and protection against chemical weapons.

Several delegations pointed to the success of the OPCW in implementing the Chemical Weapons Convention (CWC). Many also commended the CWC’s Second Review Conference and emphasized the role of the CWC as a disarmament treaty. Others expressed its hope that the deadlines, as extended, for the destruction of all chemical weapons would be met.

Eleven states have yet to join the CWC. Of these, Iraq and Lebanon have completed the parliamentary procedures necessary under their constitutional processes. Egypt, Israel—which has signed but not ratified—and Syria continue to cite regional security concerns for remaining outside the Convention. Myanmar has signed but not ratified. According to Ambassador Rogelio Pfirter, the Director-General of the OPCW, the Democratic People’s Republic of Korea has had virtually no contact with the OPCW. As of 30 September, the OPCW had verified the destruction of more than 28,600 metric tonnes of Category 1 chemical weapons and 915 metric tonnes of Category 2 chemical weapons.

The destruction of Category 3 declared chemical weapons has been completed.

Other WMD

First Committee also adopted draft resolution A/C.1/63/L.12, “Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament,” which seeks to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction already identified as such by the UN in 1948. The Committee adopted it with 165 votes in favour, with one against (the United States), and one abstention (Israel). In an explanation of vote, the US delegate argued that the global community should focus on the proliferation of known weapons of mass destruction, as “No useful purpose is served by diverting the attention and efforts of the international community away from existing threats to such hypothetical threats.”

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Conventional Weapons

Mariah Quinn | Global Action to Prevent War

Statements made during the 63rd session of the First Committee reflect the international community's commitment to addressing the harmful effects of conventional weapons through vigorous multilateral measures. In his opening statement, High Representative for Disarmament Affairs Sergio Duarte highlighted said, "We must never forget that conventional weapons take a huge toll on human lives everywhere." Many member states echoed this deep concern over the negative impact of conventional weapons in their statements. In the final week, First Committee adopted three resolutions pertaining to conventional arms.

Delegations adopted without a vote A/C.1/63/L.29, "Information on Confidence-Building Measures in the Field of Conventional Arms." The draft resolution encourages states to implement confidence-building measures in the field of conventional arms and notes the contributions of such measures to the improvement of the international security environment. As in 2006, the resolution welcomes the establishment and maintenance of an electronic database containing information provided by member states. The resolution further determined that "Information of Confidence-Building Measures" will be included on the provisional agenda of the 65th session of the General Assembly.

Many delegations pointed to the UN Register of Conventional Arms, described by High Representative Duarte as an "indispensable" tool in an era of growing arms transfers and military expenditures, as a confidence-building measures. See Verification and Transparency for more information.

A/C.1/63/L.35, "Problems Arising from the Accumulation of Conventional Ammunition Stockpiles in Surplus," aims to ensure that the reduction of ammunition stockpiles remains part of the disarmament conversation. States are encouraged to consider, given their specific security needs, whether their ammunition stockpiles represent a surplus and are called upon to implement controls aimed at ensuring that stockpiles are secure and safe. Having assessed whether their surplus stockpiles represent a security threat, member states are urged to carry out the destruction of surplus conventional ammunition and are encouraged to appeal for external assistance when necessary. The draft resolution encourages states to work on a regional or sub-regional level to address the illicit trafficking resulting from ammunition stockpiles. L.35 acknowledges the work of the Group of Governmental Experts in assessing the problem of

ammunition and calls on states to implement its recommendations. First Committee adopted the text with a 172-0-0 vote. Pakistan's delegation, though voting in favor of the resolution, noted that much of the responsibility for this issue falls on the major military powers. Venezuela's delegation similarly observed that weapon producers have the primary obligation and stressed the importance of preventing illicit trafficking of ammunition.

This year, the Small Arms Survey revealed that worldwide, 76 million military small arms were surplus to requirements, comprising 38% of the world's 200 million military SALW. This resolution therefore marks an important step forward towards recognizing that all states are likely to have surplus ammunition that should be destroyed before it can explode or be diverted to the illicit market.

Now in its twenty-fifth year, the Convention on Certain Conventional Weapons (CCW) maintains its reputation as a critical component of international humanitarian law. Many delegations voiced strong support for the CCW, which restricts or prohibits the use of conventional weapons that are deemed to be excessively cruel or indiscriminate. Many, including the Non-Aligned Movement, discussed the importance of the CCW's newest protocol, Protocol V on explosive remnants of war. Jordan's delegate praised the CCW for its "credibility and capacity to respond in an adequate and responsible manner to the humanitarian challenge posed by certain advancements in weapons technology."

Draft resolution A/C.1/63/L.31, "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects," was again adopted without a vote. The sponsors of the draft resolution—Greece, Jordan, the Netherlands and Sweden—continued to express their hope that the CCW will achieve universality and called upon states parties to the Convention to express their consent to the amended Protocols. In particular, the draft resolution emphasizes the importance of Protocol V on explosive remnants of war and endorses the decision to institute a framework for the exchange of information and cooperation relating to Protocol V. It also welcomes continued action on minimizing the humanitarian impact of cluster munitions, including the work conducted by the Group of Governmental Experts (see Cluster Munitions for more information).

Mark Marge of the International Action Network on Small Arms contributed to this article.



Small Arms and Light Weapons

Mark Marge | International Action Network on Small Arms

This year's First Committee confirmed that the UN small arms and light weapons (SALW) process remains healthy, two years after the meltdown at the UN Review Conference. Many delegations now accept that the previous narrow conception of consensus is not adequate for the SALW process, which had previously resulted in giving a veto to a tiny number of states to contradict the wishes of the overwhelming majority.

In their statements, many delegates at the First Committee reflected on the success of the July UN Biennial Meeting of States (BMS) on SALW and particularly the willingness of states to agree on a substantive outcome document by vote rather than consensus. Ambassador Cekuolis, Chair of the BMS, explained why states opted to challenge the narrow idea of consensus at the meeting, saying "another diplomatic stalemate was no longer affordable."

The Iranian delegation took an alternative approach to expressing disagreement during the voting on the 2008 Omnibus resolution, "The illicit trade in small arms and light weapons in all its aspects," A/C.1/63/L.57. The draft was adopted with 166 votes in favour, no abstentions, and with only the United States voting against. This resolution decided that the next BMS would take place in 2010, followed by a Review Conference in 2012. Additionally, the resolution mandated the convening of an open-ended meeting of governmental experts in 2011 to address key implementation challenges. Iran's delegation objected to the paragraphs welcoming the BMS, for the same procedural reason that it had voted against the BMS outcome in July. It abstained on inclusion of the relative paragraph (operational paragraph 4), but removed this abstention during the vote on the resolution as a whole. The US delegation explained its vote against the resolution, arguing, "a perpetual series of costly meetings is not required to achieve this nor do we believe such meetings are likely to advance the real objectives of this resolution." Cuba's representative spoke in support of the resolution and the need for further implementation of the Programme of Action on SALW, but expressed regret that preambular paragraph 19 of the resolution could be misunderstood to overemphasize regional implementation at the expense of national, global, and local implementation.

The Omnibus resolution, co-authored as usual by Colombia, Japan, and South Africa and co-sponsored by an additional 62 states, finally es-

tablished a framework for the future of the UN SALW process. This has been a priority for civil society and for many states since the failure of the 2006 Review Conference. The success of the BMS and the adoption of a strong Omnibus resolution has helped to restore confidence in the UN SALW process.

A number of other resolutions reflected the priority themes of the BMS: brokering controls, stockpile management, and cooperation/ and assistance.

A/C.1/63/L.43, "Preventing and combating illicit brokering activities," was adopted by consensus. This resolution calls on states to establish national laws and measures to prevent illicit arms brokering activities, which the Republic of Korea emphasized would be determined by member states and would not affect legitimate trade. The Russian delegation, while not interfering with the adoption of the text by consensus, describing L.43 as "amusing" in its "mixing" of weapons of mass destruction (WMD) and conventional weapons. It argued that L.43 should be two separate resolutions, both of which Russia could support. Brazil's delegation similarly argued that proliferation of WMD and conventional arms are distinct, as the brokering of WMD is inherently illegal. It also argued that relying only national measures is insufficient. The Indonesian and Cuban delegations appreciated the transparent and inclusive nature of consultations on L.43, though while Indonesia felt the "conceptual unclearness" was eliminated, Cuba still thought the text reflects too simplistic an approach to cause and effect.

A/C.1/63/L.41, "Assistance to states for curbing the illicit traffic in small arms and light weapons and collecting them," was adopted by consensus. This resolution encourages sub-Saharan African States to facilitate effective functioning of their National Commissions on SALW. It also calls for international support to these efforts, and encourages states and other international organisations to cooperate with and support the work of civil society on SALW control.

A/C.1/63/L.51, "Transparency in armaments," reaffirms states' commitment to provide information on international transfers of SALW to the UN Register on Conventional Arms. See Verification and Transparency for more information.

For information on A/C.1/63/L.35, "Problems arising from the accumulation of conventional ammunition stockpiles in surplus," see the Conventional Weapons report.

Arms Trade Treaty

Mark Marge | International Action Network on Small Arms

It has been only two years since the Arms Trade Treaty (ATT) process started at the United Nations, but in this limited time it has already developed considerable momentum. The first resolution was adopted at First Committee 2006 with 139 votes in favour, which increased to 153 when it was subsequently adopted by the General Assembly. During 2007, a record-breaking 100 states submitted their views on the ATT to the UN Secretary-General, the majority of them extremely positive on including issues such as human rights and sustainable development within the treaty. During 2008, a 27-member Group of Governmental Experts discussed the feasibility, scope and parameters of a treaty. Their report contained no specific conclusions on those matters. Instead, the unanimous report recommended that the UN hold "further consideration of efforts to address the international trade" in conventional weapons.

These further considerations were the focus of the resolution, "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms" (A/C.1/63/L.39*). The resolution establishes an Open-Ended Working Group, which will meet for a maximum of six sessions, beginning in early 2009. Two one-week sessions have been mandated during 2009 at UN Headquarters in New York between 2-6 March and 13-17 July. A one-day organizational session will be held in New York on 27 February.

The voting seemed to indicate the enormous support for this process, with 147 states voting in favour, 18 abstaining, and two voting against. Due to an unexpected switch in scheduling, the delegations from Rwanda and Sierra Leone were not able to be present during the vote but successfully registered their 'yes' vote the same afternoon. This total of 147 'yes' votes exceeded the First Committee support during 2006. This was partly due to some Arab League states changing their abstentions to support and also greater involvement from Southern African and Caribbean states, who had been absent for the 2006 vote.

Some of the explanations of votes were especially interesting. The two states that voted against the resolution were United States and Zimbabwe. The US delegation requested separate votes on three operational paragraphs—3, 4, and 5—arguing, "Any ATT would require the support of the major arms exporters to be effective, and we believe that some major arms exporters would refuse to

Depleted Uranium

Ray Acheson | Reaching Critical Will

On 31 October, First Committee adopted draft resolution A/C.1/63/L.26, "Effects of the use of armaments and ammunitions containing depleted uranium," with a vote of 127 in favour, 4 against, and 34 abstentions. While the numbers are similar to last year's vote on the Non-Aligned Movement's first depleted uranium (DU) resolution, there are some notable changes. The Netherlands, which had reportedly been under considerable pressure from NGO campaigners and politicians since its "no" vote last year, voted yes for L.26. In its explanation of vote, the Dutch delegation said it is "not against" ongoing research on the issue and that it is glad it has been brought to the UN for discussion. However, it argued that the basis for the resolution could have been formulated in a more neutral way by commenting on the "possible consequences" of DU weapons rather than the "potential harmful effects," noting that to date, the reference to "potential harmful effects" cannot be supported by conclusive scientific evidence.

The European Union and NATO remained split on the issue, with Germany, Italy, Austria, Ireland, and Finland voting in favour while many of the newer EU members voted against. Belgium, which banned DU weapons in 2007, once again abstained. The Czech Republic chose to abstain this year after last year's no vote. The United States, United Kingdom, and France—all of which are users and producers of DU weapons—voted against the draft resolution, along with Israel. Japan's delegation voted in favour, noting that Japan has submitted its views on the issue to the Secretary-General, as called for by the previous resolution. While recognizing "that at present no internationally definitive conclusion has been drawn" from the UN studies, the Japanese delegation called on "all relevant international organizations to continue their onsite studies as well as to undertake further information collection, and to submit as appropriate their views on the effects that the use of depleted uranium munitions may have on the human body and the environment."

A press release from the International Campaign to Ban Uranium Weapons (ICBUW) noted, "After last year's vote took the main users and producers of uranium weapons by surprise, we anticipated that there would be considerably more opposition this year." The non-government organization was pleased that the Netherlands, Norway, and Finland voted in favour, arguing, "All three decisions were

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Cluster Munitions

Allison Pytlak | *Religions for Peace* on behalf of the Cluster Munition Coalition

On 30 October, First Committee adopted without a vote the draft resolution on the Convention on Cluster Munitions, A/C.1/63/L.56. It will have the General Assembly take note of the Convention on Cluster Munitions (CCM) that was adopted in May 2008 and requests the Secretary-General to render the necessary assistance and to provide such services as may be necessary to fulfill the tasks entrusted to him by the Convention.

After the resolution was adopted, ten delegations made statements to explain their positions on the resolution. They all clarified to varying degrees that support of L.56 is not equal to an endorsement of the CCM text.

Representatives of Israel, India, China, and the Republic of Korea spoke of their governments' clear preference for addressing clusters munitions within the framework of the Convention on Certain Conventional Weapons (CCW). Israel's delegation welcomed the CCW negotiations on cluster munitions that have the aim of striking a balance between military and humanitarian concerns, adding, "independent initiatives, conducted outside the scope of the UN, do not necessarily contribute to the stability and effectiveness of global arms control goals." India took a similar position, articulating that consideration of L.56 by the First Committee should not be construed as an endorsement of the CCM and that it supports further consideration of the cluster munitions issue as part of the CCW. China's delegation reminded the Committee that it did not participate in the Oslo Process and that it too supports the work being done on this issue in the framework of the United Nations. China's representative did note that continued efforts should be made to reduce the humanitarian effects of cluster munitions. The delegate from the Republic of Korea announced that its Minister of Defence has adopted a new directive on clusters, allowing use of only those munitions with self-deactivation devices. He then stressed the importance of negotiations in the context of the CCW.

The representatives of Pakistan and Morocco explained that they joined the consensus because of the procedural nature of the resolution text. Pakistan's delegation reiterated what it said in an earlier Committee statement, that the CCM should supplement, and not supplant, the CCW process. The Moroccan delegation noted that joining consensus did not "pre-judge" Morocco's national position, which remains something to be defined by competent national authorities.

The Russian Federation has not participated in the Oslo Process and does not support the CCM. Its representative spoke after the resolution was adopted to say that Russia "did not object to L.56 out of respect for agreements by States to enhance international humanitarian law and to reduce suffering during and after conflicts, and it understood why other countries refrained from using cluster munitions in military operations." However, Russia added that military and political environments do not permit all states to make such decisions and that attempts to define "smart" vs. "unintelligent" weapons are unjustified. Russia used cluster munitions in Georgia earlier this year.

The representative of Belarus stressed that the most acceptable forum for agreement continues to be the Conference on Disarmament. Egypt's delegate took the floor to place on the record that its support for L.56 does not mean it supports the entire substance of the CCM. Singapore's delegation noted that humanitarian concerns must be balanced with a state's right to self-defence.

This administrative and procedural resolution is significant in that it represents the huge progress made on the cluster munitions issue in 2008. It is the first ever First Committee resolution on this weapon and is indicative of the global consensus that this weapon causes undue suffering and harm to civilians and requires an immediate and binding solution. However, statements made by delegations throughout the month show the divergent points of view on the nature of that solution, the processes around it, and the engagement of "major players". At the centre of the debate is the question: is a less stringent agreement that involves those major players and meets their needs more effective than having a very strong treaty that they do not participate in? The CCW is currently in session and discussing text for a cluster munitions protocol. A successful outcome is unlikely to deter those states who are already deeply committed to the Convention from signing it next month, but it will make engaging the other states to sign much harder and could have implications for real military alliances and the successful implementation of the CCM by undermining its standards and legitimizing the continued use of some of the most dangerous types of cluster munitions. It is hoped that all states will pursue national steps that move them towards the cessation of use, production, and transfer of cluster munitions and to giving humanitarian relief.

Landmines

Ray Acheson | Reaching Critical Will

Allison Pytlak | *Religions for Peace* on behalf of the Cluster Munition Coalition

On 29 October, First Committee took action on draft resolution A/C.1/63/L.6, "Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction." It reaffirms the determination to put to an end the suffering caused by anti-personnel mines (APMs) and the need to ensure victim assistance. The changes made to the resolution from last year are procedural and technical in nature, in line with progress made in the treaty's implementation.

Before the vote, the delegation of Jordan introduced an oral revision to operational paragraph 9: the phrase "to attend the ninth meeting of states parties" now reads "to attend the Review Conference of the Convention." Jordan's delegate also urged all states, including non-states parties to the Mine Ban Treaty (MBT; also known as the Ottawa Convention) to support the resolution. It was adopted with 151 in favour, none against, and 19 abstentions. This is very similar to last year, however, one abstention came from Tajikistan, a states party to the MBT.

After the vote, 12 delegations issued explanations of vote. Delegations from Laos, Morocco, and Sri Lanka explained that while they are not states parties to the MBT, they voted in favour of the resolution because of the Convention's humanitarian objectives. The Laotian delegate indicated his government will accede to the MBT once it has the requisite time and resources. Sri Lanka's delegation indicated it is not yet "in a position" to accede to the MBT and Morocco's said its security concerns keep it from joining the MBT but that it has *de facto* implemented many of its provisions. Benin, which is a state party of the MBT, called on countries in post-conflict situations with a high number of APMs to invest more resources in mine sweeping and clearance to reduce the scars of conflict.

Delegates from Cuba, Iran, Lebanon, the Republic of Korea, and Singapore, sympathized with the humanitarian concerns of the indiscriminate use of anti-personnel mines (APMs) but argued that these concerns need to be balanced with security concerns and defence needs. To demonstrate their commitment to ending needless suffering from landmines, the delegations of Cuba and the Republic of Korea emphasized their ratification of Amended Protocol II of the Convention on Certain Conventional Weapons; the Republic of Korea also pointed its ratification of Protocol V on explosive

remnants of war. Singapore's delegate said the government indefinitely expanded its moratorium of export of APMs in 1998 to cover all types.

The delegations of India, Iran, and Pakistan said alternative, cost-effective technologies need to be developed before they accept a ban on APMs. Lebanon's delegate argued that aid in mine clearance should not be made contingent on accession to the MBT. The Egyptian delegation explained it abstained because the MBT does not recognize the responsibility of user countries to de-mine in other countries in which they have laid mines.

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Arms Trade Treaty (cont.)

agree to an ATT that required meaningful, effective conventional arms transfer controls policies. The only way to convince all major arms exporters to sign on to the ATT would be to weaken its provisions. Concluding a weak ATT would legitimise an international standard based on a lowest common denominator that would not address the problem of illicit and irresponsible arms transfers."

A group of 10 Arab League states—Bahrain, United Arab Emirates, Saudi Arabia, Qatar, Syria, Egypt, Yemen, Sudan, Kuwait, and Libya—issued a joint explanation for abstaining. One of their concerns is that human rights and sustainable development criteria could be used to discriminately target importing countries, a point expressed at various times during the Committee's discussions.

Civil society responded to these Arab League concerns during the NGO presentations on Tuesday, 27 October. Iraqi Kurdish activist Dr. Widad Akrawi from Defend International and the International Action Network on Small Arms explained, "Through the UN Charter, the Universal Declaration of Human Rights and numerous other instruments, all UN member states have already agreed on international human rights standards."

The last words should also go to Dr. Akrawi, who spoke for the global Control Arms campaign when she highlighted the fact that "there are some who believe the Arms Trade Treaty is a European concept. In fact, since the early days when Cambodia, Costa Rica and Mali began to promote the idea for an ATT, more than 100 countries have joined them. The majority of those countries are in Africa, Latin America, the Caribbean and Asia—the regions where responsible arms transfers have had the most devastating consequences."



Regional Disarmament

Ray Acheson | Reaching Critical Will

First Committee adopted the following draft resolutions related to regional disarmament:

A/C.1/63/L.13, "United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean"—*without a vote*. Peru's delegate introduced a technical amendment, noting that operational paragraph 8 should include the phrase, "in all the countries of the region." In its introduction, the Non-Aligned Movement emphasized the regional centres' importance for confidence-building, peace, and sustainable development and their need for more core funding.

A/C.1/63/L.42, "United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific"—*without a vote*. In a general statement, the delegation of Nepal also argued that without stable funding, the Centre's "lofty goals will remain a distant dream," reiterating the resolution's request for funding from the regular budget.

In their joint explanation of vote, the US and UK delegations argued, "funding for these centers should come from voluntary regional contributions, as it has since they were created." Neither delegation participated in the adoption of either L.13 or L.42 and "disassociated" from the consensus "because the resolutions fundamentally change the nature of the centers by including funding from the Regular Budget." They explained, "We are opposed to this in general, but especially at a time when the current Regular Budget is being proposed to increase by more than 25%." The French delegation likewise disassociated itself from the adoption of L.13 and L.42 for requesting money from the regular budget "for activities that are not clearly defined." While Canada's delegation did participate in adopting L.13 and L.42, it expressed disappointment that at a time when the Secretary-General has highlighted the need for budget discipline, the First Committee has adopted resolutions that increase costs for the regular budget. The delegation called for "strategic planning" across the UN system.

A/C.1/63/L.50, "United Nations Regional Centre for Peace and Disarmament in Africa"—*without a vote*. While not disassociating itself from consensus, the US delegation explained, "Last year we opposed in First Committee a proposal to include in the United Nations Regular Budget funding for operating costs and three new posts in the African center. While we abstained on this issue in the UN General Assembly, our position that this Center should be funded from voluntary contributions has not changed."

A/C.1/63/L.9, "Conventional arms control at the regional and subregional levels"—by a vote of 166 in favour, one against (India), and one abstention (Bhutan)—as it was last year. In explanation, the Indian delegation reiterated its conviction that the Conference on Disarmament should negotiate global instruments, not regional ones, and that the Disarmament Commission has already adopted guidelines on this matter. It also stressed that the concept of "preservation of balance in defence capabilities is unacceptable." While Venezuela's delegation voted in favour of L.9, it argued that initiatives in conventional weapons should not undermine states' right to self-defence and to deter-

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Landmines (cont.)

The MBT, which currently has 156 states parties, is widely respected even by those states that have not acceded to it. As evidenced by the explanations of vote, many non-states parties maintain moratoriums on production, use, or transfer of APMs and many contribute to de-mining activities and victim assistance. It should also be noted that 17 of the votes in favour came from non-state parties—further evidence that this Convention has successfully stigmatized anti-personnel landmines as an indiscriminate and inhuman weapon, and that its humanitarian aims are widely endorsed.

A decade has passed since the MBT became the first categorical ban on a conventional weapon and the inevitable implementation-related challenges that have arisen will be addressed both later this month during the annual Meeting of States Parties and also next year during the MBT's Second Review Conference. These challenges include approval of extension requests from states parties who are experiencing difficulty in meeting their clearance deadlines, stockpile destruction problems, and potential new use. Perhaps most important, however, is the need for sustained international aid and assistance—both financial and human—to complete clearance, destruction, and implement comprehensive support for survivors. The danger in the MBT's success is that many donors regard landmines as a "solved" problem and newer issues have taken priority. Many delegations spoke to this challenge during the course of First Committee, indicating the gravity in a situation where the outstanding accomplishments of this Convention could be overshadowed by lapsed commitment in the coming decade.

Disarmament and Development

Mariah Quinn | Global Action to Prevent War

The First Committee adopted draft resolution A/C.1/63/L.23, "Relationship between Disarmament and Development," with a 167-0-1 vote. As in previous years, the resolution regards the relationship between disarmament and development to be "symbiotic" and stresses the central role of the United Nations in addressing this issue.

The United States once again opted to not participate in the vote, expressing a repudiation of the link between disarmament and development. The United Kingdom likewise questioned the resolution's assertion of a direct linkage between disarmament and development, arguing that the complex nature of the relationship is not adequately reflected in the language of the resolution. The UK delegation further critiqued the report of the Group of Governmental Experts for neglecting to give due credit to the potential of bilateral measures. Nonetheless, voting in favour of L.23, the UK delegation welcomed efforts to mainstream disarmament into development policies.

As in years past, France abstained. Ambassador Éric Danon noted with regret that none of France's recommendations were taken into account in this year's draft of the resolution. While acknowledging that disarmament does indeed influence the conditions of development, he explained that France finds the inverse to be debatable and therefore contests the resolution's use of the word "symbiotic" to describe the relationship. France also finds fault with the proposal, put forth by a number of states during the general debate, that resources currently devoted to arms expenditures ought to be reallocated to development initiatives. (See FCM 2008, No. 1) Ambassador Danon characterized such an argument as simplistic, arguing that defence investments may in fact prove beneficial to development, by improving the capacities of peacekeeping operations and natural catastrophe response.

However, in statements made during the general debate, many delegations argued that exorbitant arms expenditures represent a distortion of the proper allocation of resources. Swelling military budgets consume resources which might otherwise be dedicated to funding development initiatives, such as the Millennium Development Goals. Delegates from Benin and Nicaragua called on member states to uphold their obligation, under the UN Charter, to commit the minimal human and economic resources possible to ensure international security. Nicaragua lamented that, with the money currently spent to produce new arms

and perfect existing weapons, it would be possible to eradicate the majority of curable diseases, achieve poverty reduction goals, and address hunger and illiteracy.

This year, a particular emphasis was placed on the manner in which development targets are thwarted by the continued proliferation of small arms and light weapons (SALWs). Several delegations, including Colombia, Eritrea, and Papua New Guinea, noted that SALWs divert resources from economic and social development initiatives. They endorsed the UN Programme of Action on combatting the illicit trafficking in SALW as a critical instrument in furthering both disarmament and development initiatives. The European Union representative stated that the elimination of illicit SALW ought to be incorporated into development and poverty reduction strategies. At the same time, Palestine's representative noted that underdevelopment and poverty render a population more susceptible to radicalism and hopelessness and warned that conflict zones represent a lucrative market for illicit arms sales. He stressed, "We must confront the undeniable fact that deadly conflicts and illicit arms trade will continue unless we treat the root causes of conflicts."

Switzerland's delegation again urged delegates to translate the adopted principles of the "Geneva Declaration on Armed Violence and Development" into concrete measures. The Geneva Declaration now boasts the support of 96 states, suggesting a growing awareness of the negative impact of armed violence on development. Representatives of Benin, the European Union, Morocco, and Papua New Guinea expressed support for the Geneva Declaration.

Cuba's delegation restated its support for the Plan of Action, adopted at the International Conference on the Relationship between Disarmament and Development in 1987, which called on states to reallocate military spending toward the realization of socio-economic development. The Non-Aligned Movement, similarly recalling the Plan of Action, invited member states to provide the Secretary-General with an update on their individual efforts to redirect resources from arms to development.

Overall, the 63rd session of the First Committee displayed a continued commitment to promoting development and security through disarmament. As progress is made in addressing the illicit proliferation of SALWs, in implementing the Geneva Declaration, and in ensuring that development ini-

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tiatives such as the Millennium Development Goals are adequately funded, Article 26 of the UN Charter, which calls upon member states “to promote the establishment and maintenance of international peace and security with the least diversion of armaments of the world’s human and economic resources,” might be more fully realized.

Regional Disarmament (cont.)

mine security needs and priorities.

A/C.1/63/L.18, “Strengthening of security and cooperation in the Mediterranean region”—without a vote. In a general statement, the EU delegation underscored its “attachment” to the provisions of L.18 that “acknowledge efforts undertaken in the euro-Mediterranean framework” against terrorism and its satisfaction with the the Paris Declaration, which launched “a strengthened partnership in the form of the Union for the Mediterranean.” Disassociating itself from the consensus adoption of L.18, the Libyan delegation explained that it does not agree with everything in the text, noting in particular that Libya did not take part in the Paris summit and complaining that participation was limited to those states bordering on the Mediterranean.

A/C.1/63/L.46, “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa”—without a vote. In its general statement, the delegation of Angola underscored the importance of transparency and confidence-building measures in the region and emphasized that progress was made at the twenty-seventh ministerial meeting of the Standing Advisory Committee on, as the resolution notes, “the drafting of a legal instrument on the control of small arms and light weapons in Central Africa and of a code of conduct for defence and security forces in Central Africa.”

In addition, First Committee adopted the following annual resolutions without votes or comments:

- A/C.1/63/L.24, “United Nations regional centres for peace and disarmament,” introduced by Indonesia on behalf of the Non-Aligned Movement.
- A/C.1/63/L.8, “Regional disarmament,” introduced by Pakistan.
- A/C.1/63/L.10, “Confidence-building measures in the regional and subregional context,” introduced by Pakistan.

The texts of each of the three resolutions listed above were unchanged from last year.

Depleted Uranium (cont.)

the result of some determined campaigning from NGOs and politicians in those countries.”

L.26 has added two preambular paragraphs and four operative paragraphs to last year’s resolution. It takes note of the opinions expressed by member states and relevant international organizations on the issue, as reflected in the Secretary-General’s report and invites those who have not yet done so to communicate their views to the Secretary-General. The resolution also asks the Secretary-General to “request relevant international organizations to update and complete their studies on research on the effects of the use of armaments and ammunitions containing depleted uranium on human health and the environment.” It encourages member states to facilitate these studies and asks the Secretary-General to submit an updated report at the 65th (2010) session of the General Assembly.

ICBUW welcomed the resolution’s call to complete and update the UN agencies’ research on the effects of DU weapons. Its press release stated, “Given the wealth of new peer-reviewed research into the harmful effects of uranium exposure, the [World Health Organization] WHO’s position, which has not been updated since 2003, is becoming increasingly untenable. Even back then they were criticised for excluding key data suggesting that DU is dangerous.” ICBUW argued that of the other two UN agencies responsible for research on DU effects—the UN Environment Programme (UNEP) and the International Atomic Energy Agency—UNEP is “more progressive on the issue, having repeatedly expressed concerns over the contamination of groundwater and observed that there are profound uncertainties over the long-term impact of uranium contamination.”

Over the past year, the profile of the DU issue has risen considerably. The Italian government agreed to the first ever wide-scale compensation package for soldiers affected by Balkan Syndrome, where DU exposure is a suggested cause of the illnesses. The Finnish Minister of Foreign Affairs acknowledged the need for a uranium weapons treaty, while campaigners in Costa Rica and New Zealand pushed for domestic bans on uranium weapons akin to that achieved by Belgium in March 2007. In May, 491 of 521 Members of the European Parliament voted in favour of a detailed and far reaching DU resolution, “Global treaty to ban uranium weapons,” which requested DU studies and a halt to deployment in contaminated areas and compensation for civilians.

Terrorism

Michael Kennedy | Global Security Institute

In terms of concrete progress and action on the issue of terrorism, this year's First Committee session was lacking. It is clear that states universally recognize the grave danger posed by terrorism, yet it is also evident that much more action needs to be taken to realize real progress towards fighting the terrorist threat.

The only resolution dealing with terrorism, "Measures to prevent terrorists from acquiring weapons of mass destruction," A/C.1/63/L.34, was once again adopted without a vote as in past years. Pakistan's delegation provided the only explanation of vote, joining with a few other states in this year's session by warning that the fear of terrorists acquiring weapons of mass destruction (WMDs) should not be used to discriminate against certain states.

Last year two additional resolutions addressed terrorism: "Reducing Nuclear Danger" and "Preventing the acquisition by terrorists of radioactive materials and sources." The first was adopted in First Committee this year without any mention of terrorism and the latter was not even brought up before the Committee this year.

The most commonly referenced terrorist threat during the 2008 First Committee was the possible acquisition and use of WMDs, along with other, more conventional weapons. Delegations also highlighted the necessity of halting illegal arms transfers to terrorists. Many cited easy access to small arms and light weapons as aiding terrorist activities and repeatedly called for progress on combating this problem.

Going forward, delegations advocated a few different paths, some focusing on successful implementation of existing measures, others advocating for more action in the future. Many reflected on the best way to implement Security Council resolution 1540. The majority of states expressed their continued support for the steps outlined in this resolution. At the same time, many lamented the slow progress achieved by the 1540 Committee, the body tasked with overseeing the resolution's implementation. Global and regional cooperation, sharing of information and technology, and continued education and outreach were all cited as important ways to advance implementation of 1540.

Morocco, on behalf of the 75 partner nations of the Global Initiative to Combat Nuclear Terrorism, delivered a joint statement renewing the partners' commitment to this initiative, which was jointly launched in 2006 by the United States and

Verification and Transparency

Danny Thiemann | Global Security Institute

Transparency

This year's First Committee adopted one draft resolution dealing directly with transparency. The resolution entitled "Transparency in armaments," A/C.1/63/L.51, received 144 votes in favour, none against, and 21 abstentions. As in previous years, the Committee held separate votes on operational paragraphs 2, 3, 4, 5, 5b, and 7. Paragraph 2 was adopted 142-0-21; the others were all adopted 143-0-21. These paragraphs call for action by states and the Secretary-General related to the United Nations Register of Conventional Arms. Operational paragraph 5b, for example, calls for the establishment of a group of governmental experts in 2009 "to prepare a report on the continuing operation of the Register and its further development," while paragraph 7, "Invites the Conference on Disarmament to consider continuing its work undertaken in the field of transparency in armaments."

The 21 abstentions came from members of the Arab Group and Iran. A representative of the Arab Group explained that while its member states are all "committed" to the Register and support transparency to enhance peace and security, such principles should be based on balance and non-discrimination. Arguing that the Register is the "first attempt" to deal with transparency in armaments internationally, he asserted that it faces certain problems, including low participation rates and a narrow scope. The Arab Group would like to see the Register include advanced weapons, technologies with military applications, and weapons of mass destruction (WMD), arguing that the lack of qualitative balance in arms in the Middle East requires a more comprehensive Register. Syria's delegate echoed these concerns, arguing that L.51 does not account for the special situation in the Middle East, including Israel's occupation of Arab territories and its possession of the most advanced conventional and nuclear weapons. Iran's delegation also emphasized, "transparency in conventional arms without transparency in WMD is imbalanced," pointing again to Israel and expressing hope that the Register will in the future include all types of arms "as it was recommended by the Group of Governmental Experts in 2000."

During the course of First Committee, some delegations cautioned member states about the weaknesses of transparency measures. The Russian Federation, for example, argued that the recent conflict in the Caucasus brings into question the real value of transparency if a 50-fold increase



Disarmament Education

Allison Boehm | Peace Boat US

This year in First Committee, the Mexican delegation introduced a draft resolution on the "United Nations study on disarmament and non-proliferation education," A/C.1/63/L.52. The resolution, based on a similar resolution from 2006, follows up on the milestone UN Expert Group on Disarmament and Non-Proliferation (DNP) Education, authorized by UN Resolution 55/33E of the General Assembly in 2000. After two years of meetings and contributions to the study from academics and activist from across the globe, the Expert Group submitted its report (A/57/124) to the First Committee in 2002. In July 2006, the Secretary General released a follow up report reviewing the results of the implementation of the recommendations to the study. The report concluded that there is a great "interest" in DNP education, but that funding is a persistent challenge. It also noted the importance of implementation of the recommendations.

This year's draft resolution added two new elements to the text from 2006. The first addition to the resolution is the paragraph welcoming the launch of the disarmament and non-proliferation education website, "Disarmament Education, Resources for Learning," by the Office for Disarmament Affairs (ODA), and the educational disarmament and non-proliferation website (<http://cyberschoolbus.un.org/dnp>) on the United Nations *Cyberschoolbus* site, launched by the Department of Public Information and the Office for Disarmament Affairs. The other addition to the resolution reiterates a request to the Secretary-General to utilize electronic means to the fullest capacity to disseminate, in as many official languages as possible, information related to that report and any other information that ODA gathers in regard to the implementation of the recommendations of the United Nations Study.

Japan, a co-sponsor of the resolution and one of the members of the 2002 UN Study on DNP education, delivered a statement on DNP education during thematic debate. Ambassador Tarui highlighted the great importance of the issue of DNP education and emphasized that Japan "strongly believes that education is a key to promoting disarmament and non proliferation and lays a basis for any concerted international efforts." His statement also emphasised the importance of cooperation between civil society and governments in the effort to promote DNP education. Ambassador Tarui noted an example of this partnership in the DNP education seminar, which Japan co-hosted with the UN Insti-

tute for Disarmament Research during the Second Session of the Preparatory Committee of the 2010 NPT Review Conference on 30 April in Geneva. The seminar focused on how to pass the experiences of the atomic bombings of Hiroshima and Nagasaki to future generations, a discussion which took place among people from various backgrounds, including Hibakusha (Atomic Bomb Survivors).

This October, as a part of an NGO disarmament education program, Peace Boat sponsored a delegation of Hibakusha from Hiroshima and Nagasaki to address the First Committee as well as work on efforts to enhance the DNP *Cyberschoolbus* website. The four survivors recorded their personal testimonies of experiencing the horrific events of the atomic bombs. People around the world will be able to hear their stories on the website, allowing a new generation of students and teachers to make contact directly with survivors of the Hiroshima and Nagasaki bombings.

India, a co-sponsor of the biennial resolution, also made remarks on DNP education during thematic debate. Ambassador Rao noted, "We believe that UN efforts to promote and encourage disarmament and non-proliferation education based on the recommendations of the 2002 United Nations Study will foster greater awareness and strengthen global collective will in favor of global disarmament objectives."

While more countries co-sponsored the biannual resolution this year—34, up from 31 in 2006—there is still a general lack of awareness among member states of the importance of DNP education. A disappointing number of delegations mentioned DNP education in their statements to the First Committee. This seems to be the trend over the past several years, though significant steps have been made since the milestone UN General Assembly Resolution in 2000. Member states, civil society, and NGOs should increasingly take ownership of this integral aspect of peace-building and disarmament and follow the Secretary-General's recommendation of greater implementation and action. In 2002, Secretary-General Kofi Annan stated in his report on DNP education, "There has never been a greater need for education in the areas of disarmament and non-proliferation, especially in regard to weapons of mass destruction, but also in the field of small arms and international terrorism. Since the end of the cold war, changing concepts of security and threat have demand new thinking, such new thinking will arise from those who are educated and trained today."

Disarmament Machinery

Ray Acheson | Reaching Critical Will

Conference on Disarmament (CD)

On 29 October, First Committee adopted without a vote draft resolution A/C.1/63/L.47, "Report of the Conference on Disarmament." The text reaffirms the role of the CD as the "sole multilateral negotiating forum" and calls on members to intensify consultations to reach consensus on a programme of work. The Turkish delegation explained that its support of L.47—which includes a reference to "the importance of continuing consultations on the question of the expansion of the Conference membership"—should not be interpreted as a change in its position that this issue is not a priority and should be addressed on a case by case basis.

In an explanation of vote, Norway's delegation reiterated its "impatience with the current state of affairs" in the CD. It questioned the notion that the CD is "the sole multilateral disarmament negotiating forum of the international community," noting that "important progress has been achieved in other fora, where all states have been invited to take part in negotiations." It also argued, "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. As expressed in our statement last week, if the CD remains paralysed, there will be stronger calls for considering optional avenues in order to move the disarmament agenda forward."

In thematic debate, the Canadian delegation likewise argued, "We need to look no further than the Ottawa and Oslo Processes to see that alternative approaches can and do succeed especially in the area of conventional weapons, where the traditional machinery has not served us well." It also envisioned that a functional CD "would be facilitated by abolishing the application of the consensus rule for procedural matters." The Indian delegation, however, argued that because its decisions impact the national security interests of all its members, the CD should continue to conduct its work by consensus.

Disarmament Commission (UNDC)

First Committee also adopted without a vote A/C.1/63/L.48, "Report of the Disarmament Commission." As in previous years, the US delegation declined to take part in the vote, which Cuba's delegation lamented. The Cuban delegation also reiterated the Non-Aligned Movement's two proposals for the UNDC's next agenda, of which L.48 only reflects one—elements of a draft declaration of the 2010s as the Fourth Disarmament Decade.

The NAM's other proposed agenda item is "recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons."

During thematic debate, several delegations expressed regret with the failure of the UNDC. The Cubans highlighted the importance of the declaration of the Fourth Disarmament Decade as an opportunity to mobilize international efforts to overcome the stagnation of disarmament and international security and to promote multilateralism as a basic principle for relevant negotiations. Offering the only positive account of the UNDC, the Indian delegation argued that its deliberations "showed some interesting trends and a willingness to look at common approaches of a universal character to bring back coherence and consensus on the security challenges of our times."

Fourth Special Session on Disarmament

Throughout First Committee, many delegations, including the African Group, the Non-Aligned Movement, and the Rio Group, called for the establishment of SSOD IV. Cuba's delegation argued that the open-ended working group on SSOD IV has not carried out its mandate because the "only country voting against the resolution on the item last year, made clear its opposition to the convening of SSOD-IV and, by doing it, eliminated any possibility of consensus." First Committee adopted without a vote draft decision A/C.1/63/L.22, "Convening of the fourth special session of the General Assembly devoted to disarmament."

First Committee

Very few delegations commented on the state of First Committee this year. Cuba's delegation lamented that First Committee "continues to adopt resolutions which are not observed or implemented in many occasions, particularly those referring to nuclear disarmament, due the lack of appropriate follow-up mechanisms." It also expressed concern with the increasing creation of groups of experts "of limited composition to analyze issues of high importance and interest for all UN Member States." Canada's delegation recommended that some "ancient" resolutions be retired or incorporated with others. The Canadian delegation's vision for an effective First Committee also included regular, detailed reports from member states on their implementation of key resolutions; the tabling of fewer resolutions; stimulation of meaningful debate; demonstration of "effective, results-based multilateralism"; and the perspective that the security of others is integral to one's own.



Verification and Transparency (cont.)

in military budget and weaponry did not cause concerns in other countries and result in preventative action. Others cited the UN Register of Conventional Arms and the UN Instrument for Reporting Military Expenditures as appropriate tools to strengthen confidence and trust among states and to promote peace and security.

Recognizing that some nuclear weapon states have taken positive steps to increase the transparency of their nuclear arsenals and doctrines, the delegations of Australia, Switzerland, and New Zealand called for increased transparency in these areas. New Zealand's ambassador highlighted the New Agenda Coalition's support for "ideas on systematised nuclear accounting within the NPT as a way to increase transparency." Mexico's delegation also called for a legally-binding reporting mechanism, while the European Union suggested the "establishment of confidence and transparency measures by the nuclear powers."

Verification

Discussion in First Committee revealed a few differences of opinion on verification measures. The European Union and its supporters advocated voluntary measures. Turkey cited the agreements between the United States and the Democratic People's Republic of Korea as an example of the positive developments that can be achieved via voluntary verification efforts. The delegations of the United States and Mexico, however, argued that voluntary measures are not sufficient. Mexico's representative asserted that transparency should be "systematic, not voluntary." Ms. Paula DeSutter, US Assistant Secretary for Verification, Compliance, and Implementation, also highlighted the importance of systematically implementing verification and compliance obligations.

Many states supported verification measures by advocating for a greater role of the International Atomic Energy Agency (IAEA). Other delegations, such as the European Union, reiterated its support for the IAEA but noted the IAEA's verification standard must be reinforced by other initiatives such as the verification regime established by the Chemical Weapons Convention. The IAEA representative requested real financial support, warning that the reliability of their verification techniques can quickly become outdated. The United Arab Emirates (UAE) agreed transparency and verification are important but stressed verification standards are sometimes unfairly imposed on some states while not on others. The UAE argued the IAEA needs to continue to be an independent

body in order to retain its legitimacy.

Throughout First Committee, many delegations, including the African Group and the New Agenda Coalition argued that all nuclear or conventional disarmament processes need to be irreversible, transparent, and verifiable in order for them to be meaningful and effective.

Ray Acheson of Reaching Critical Will contributed to this article.

Terrorism (cont.)

the Russian Federation. The Initiative's tenets mirrors those of Resolution 1540, and the joint statement, while noting the expansion of participants in the initiative, also underscored that much work remains in fighting terrorism.

In conclusion, the terrorist threat to international peace and security is universally recognized. However, as evidenced by the debate and voting in this year's First Committee, there are many opinions on the top priorities moving forward. Resolution 1540 serves as a concrete guide towards preventing terrorist threats, yet implementation is slow and needs to be better organized. Long-standing and more recent initiatives have added to the norm-building against terrorism, but more creativity and a stronger will to successfully address the unusual and evolving nature of terrorism is needed.

Singapore's delegation summarized the uniqueness of the issue of terrorism, saying, "In today's interconnected world, terrorists are able to easily and effectively reach beyond national borders, and are harder to confine to one geographical location." In light of this, it is clear that more collective action is necessary going forward to successfully combat the global threat of terrorism.

More About Reaching Critical Will

The Women's International League for Peace and Freedom created the Reaching Critical Will project in 1999 in order to increase the quality and quantity of civil society participation at international disarmament fora, such as those that take place at the United Nations.

We believe that nuclear disarmament will require coordinated and sustained effort on behalf of governments, non-governmental organizations, and the United Nations. Reaching Critical Will is WILPF's initiative to encourage people to act and contribute to a variety of international fora. In order to act, they need information, primary documents, and informed analysis.