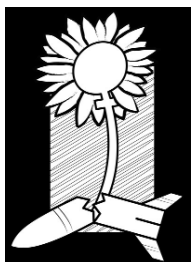


THE FIRST COMMITTEE MONITOR

Final Edition: November 1-5, 2004



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



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THE MONITOR

The Monitor is a weekly report produced by the NGO Working Group on the First Committee, a collaborative effort undertaken by 9 non-governmental organizations to make the work of the UN General Assembly First Committee on Disarmament and International Security more transparent and useful for those not based in New York. *The Monitor* is compiled, edited and coordinated by Reaching Critical Will, a disarmament project of the Women's International League for Peace and Freedom.

RCW, supported by the NGO Working Group on the First Committee, provides several services to activists, diplomats, UN staffers, academicians and others including:

- * Posting statements, draft resolutions, and First Committee background information on line at **www.reachingcriticalwill.org**;
- * Coordinating an array of briefings, workshops and panels designed to educate diplomats and activists on issues of disarmament, peace and security;
- * Providing information as requested to individuals by email or phone;
- * Distributing to the First Committee the materials of NGOs who are not in New York.

The opinions expressed herein are not necessarily those of the Editors, WILPF, or RCW.

The contributing groups to THE FIRST COMMITTEE MONITOR include:

Amnesty International;

Anglican Consultative Council;

Global Action to Prevent War;

Lawyers' Committee on Nuclear Policy;

NGO Committee on Disarmament, Peace and Security;

Quaker United Nations Office;

United Methodist United Nations Office;

Women's International League for Peace and Freedom;

and others.

Final Edition

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Introduction

The 59th session of the First Committee has drawn to a close. 55 draft resolutions have been adopted- 33 of which were adopted without vote, 14 were adopted with less than 5 States opposing, 3 were adopted with less than 10 States opposing, and only 5 draft resolutions incurred more than 10 votes cast against them.

Now, governments and analysts are tasked with deciphering these First Committee statistics, to identify the views relating to the state of international security and, of course, to understand the way in which these views may affect the upcoming deliberations on the 2005 NPT Review Conference.

Throughout these five weeks of negotiations, discussions, haggling and position-crafting, there existed undercurrents of capitulation and resentment on the part of many, a dangerous combination which suffuses most of the security debate today. Take, for instance, the effects of the vote-less adoption of draft resolution L.56, which affirms the importance of the 2002 Strategic Offensive Reductions (Moscow) Treaty.

Many States were unhappy with the draft resolution presented by the US and Russia, which recognizes the "reductions" made under the Moscow Treaty as an important contribution to their obligations under Article VI of the NPT. Forum after forum, from the PrepComs to the First Committee, States express strong reservations to the reversible, opaque and unverifiable cuts called for in the latest bilateral treaty between the two largest Nuclear Weapon States. In the weeks prior to the action taken on the resolution, States were scrambling between consultations with each other and their capitals, trying to ascertain the best way to express disappointment with the draft resolution, and with the treaty.

In the end, the draft resolution was adopted without a vote, with States resigning themselves to critical explanations of votes, some of which were of "an interpretative manner." The symbolism of this capitulation, the morning after the US national elections were held, should not be lost on any. (For more on draft resolution L.56 and its adoption, see the Nuclear Disarmament report, page 4.)

Yet even in a unipolar world, a consensus-driven organization manages to eke out a glimmer of progress. A Fissile Material Cut Off-Treaty (FMCT), for instance, long believed to be the most obvious next step in the disarmament and nonproliferation regime, has recently suffered the greatest blow to its negotiation when the US, contrary to the Shannon mandate and several GA resolutions, declared that

it no longer supports negotiations on a verifiable FMCT. (See Fissile Materials report, page 5.) Add this to the sabotaged talks on a verification mechanism in the Biological Weapons Convention, and verification has become a political and legal hot potato.

The overwhelming adoption of draft resolution L.34 on a verifiable FMCT, however, demonstrates that the international community is not yet ready to capitulate to the newest US-thrown wrench in the diplomacy cogs. Even though a draft resolution on an FMCT was put to vote for the first time in years, the overwhelming support for a verifiable FMCT illuminates a spark of dissent and courage to stand up to one, unruly superpower.

The vote-less adoption of the belatedly introduced draft resolution L.60, too, demonstrates the power that many smaller States can wield against the power of one. Faced with two diverging draft resolutions on "improving the effectiveness of the working methods of the First Committee," the two co-sponsors- the US and the Non-Aligned Movement- managed, after weeks of negotiations, to meld together their opposing draft texts and present a single, unified call for reform of the Committee. This resolution was adopted without vote on the last day of the 59th session.

The adoption of L.60 should also demonstrate another point of hope; it should remind us that, in spite of our divergent solutions to the challenges that face us, we all share a common goal: the achievement of a true international peace. This lesson should and must be applied throughout these next months of preparations for the NPT Review Conference, where we must once again wrestle with seemingly "opposing" agendas of nonproliferation and disarmament. Just as the US's and NAM's different draft resolutions embodied complementary solutions to the same problem, disarmament and nonproliferation are complementary processes working toward the same goal: the creation of a truly safe and secure world, for all nations, all peoples, everywhere.

"We the peoples of the United Nations, determined to save succeeding generations from the scourge of war...to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, have resolved to combine our efforts to accomplish these aims..."

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Missiles

The international community continues to grapple with the issue of missiles, but, as in many areas of arms control and disarmament, there remains disagreement on the ways and means of dealing with the problem.

The Hague Code of Conduct (HCOC), the Missile Technology Control Regime (MTCR), and Panels of Governmental Experts established through the United Nations are the three main fora currently focusing on missiles. However, there are tensions between those who support using the MTCR and HCOC frameworks to address the issue of missiles and those who support addressing missiles within the UN framework with studies like that of the Panel of Governmental Experts.

Unfortunately, despite hopes that the most recent Panel of Governmental Experts would have been able to meld these divergent opinions, they were unable to agree on a final report. Therefore, the contentious first resolution on the Hague Code of Conduct was one of two resolutions addressing missiles this year, neither of which was able to achieve universal support.

The new resolution, "Hague Code of Conduct against Ballistic Missile Proliferation" (L.50), aims to prevent and curb the proliferation of ballistic missiles systems by inviting States not party to the HCOC to join. It was adopted in its original form, despite three amendment efforts, by a vote of 137 in favor, 2 against and 16 abstentions.

Abstainers were primarily strong supporters of the Panel of Governmental Experts and its resolution. Their critiques of L.50 consisted largely of substantive problems with the HCOC itself, such as inattention to cruise missiles, the development of missiles and possible restrictions on peaceful uses. Abstainers also voiced some procedural concerns, such as a non-inclusive negotiating process and strong preferences for missiles to be addressed within the UN system. The HCOC and the MTCR are not legally binding, although the HCOC is an attempt by members of the MTCR to create a universal norm in regards to development, testing and deployment of ballistic missiles capable of delivering WMD. Many see it as an initial confidence building measure.

The Panel of Governmental Experts to be established in 2007 as a result of the adoption of resolution L.6/Rev.1, "Missiles", will have a narrower mandate than in years past. The resolution requested for the first time that the Secretary-General, with the assistance of UNIDIR, identify areas in which consensus can be achieved, attempting to overcome the inability of the most previous panel to finalize a report. The panel

may try to address the development of missiles, the peaceful uses of their technology, or cruise missiles, as it has been highlighted that the HCOC does not address these areas.

If the HCOC members do want universal norms, perhaps they could more actively engage with non-members, who often criticized a non-inclusive and non-transparent negotiating process. The two camps must also discuss acceptable compromise on dealing with the issue of missiles within the United Nations, as well as with the peaceful uses of missile technology. Eventually, States need to address the disarmament and destruction of missiles, as well as non-proliferation.

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and others.

Nuclear Disarmament

At its 59th session, the First Committee adopted six resolutions which underscore the necessity of nuclear disarmament to international peace and security.

As reported in last week's *Monitor*, draft resolution L.23, Japan's annual "A path to the total elimination of nuclear weapons" was adopted with 151 votes in favor, 2 against, and 16 abstentions. L.39 on the "Follow-up to the Advisory Opinion of the International Court of Justice" passed with 118 votes in favor, 28 opposed and 18 abstentions. The *Monitor* also reported on India's draft resolution L.30, "Reducing Nuclear Danger", which passed with 106 votes in favor, 46 opposed and 16 abstentions.

L.29, also sponsored by India, which dealt with "Convention on the Prohibition of the Use of Nuclear Weapons", was also adopted last week with 111 votes in favor, 46 against, and 12 abstentions.

During the last week of the 59th session, the First Committee adopted two more draft resolutions dealing with nuclear disarmament. The Myanmar-sponsored L.26/Rev.1, entitled "Nuclear Disarmament," was passed with 93 votes in favor, 42 opposed, and 18 abstentions, the least popular nuclear disarmament resolution adopted this year.

Finally, the US-Russia joint-sponsored draft resolution L.56, "Bilateral strategic nuclear arms reductions and the new strategic framework," was adopted without a vote on Wednesday, November 3, in spite of heavy objections voiced in various explanations of vote (EoVs). States including Indonesia, Cuba and the New Agenda Coalition expressed concern that the reductions called for under the Moscow Treaty "do not fulfill the unequivocal undertaking under Article VI of the NPT to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament," as maintained by Indonesia. The NAC also stated that "while we appreciate the specific information given by the two sponsors, it is of course rather difficult for the UNGA, as such, to explicitly recognize the exact numbers and figures, given that there are no possibilities for us to confirm or verify them."

Such reservations regarding the Moscow Treaty's lack of verification reflect the principles of disarmament embodied in the Final Document of the 2000 NPT Review Conference, such as irreversibility (Step 5) and verification (Step 13). Despite the strong EoVs delivered after the vote on L.56, the consensus-based adoption of this resolution may serve to

undermine those steps and all others contained in the 2000 Final Document, which some States are seeking to undermine or even negate at the 2005 Review Conference.

While some were no doubt disappointed that a resolution with which so many States disagreed was adopted without vote, such a vote-less adoption can be perceived as an important strategic move on the part of the dissenting States. With an extremely important Review Conference just months away, successful efforts at reaching consensus could be a valuable contribution to the upcoming difficult negotiations. States at this First Committee were ever-cognizant to avoid crystallizing positions and engendering stalemate even before important deliberations commence.

Now, as many Permanent Representatives settle back into their Missions in Geneva and NPT consultations spring up around the world, all States and interested NGOs must begin the onerous task of synthesizing their divergent positions, perceptions and priorities into an effective strategy at the Review Conference, one which will advance the dual goals of nonproliferation and nuclear disarmament and assert the primacy of the cornerstone of all nuclear policy, the Non-Proliferation Treaty itself.

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Fissile Materials

On Thursday, November 4, the First Committee voted on draft resolution A/C.1/59/L.34, urging the Conference on Disarmament to agree on a program of work and immediately commence negotiations on a “non-discriminatory, multi-lateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.” Although adopted by an overwhelming majority with 147 votes in favor, one vote against (US), and two abstentions (Britain and Israel), this outcome significantly marks a break in the consensus by which the resolution has been adopted in the past.

In explaining its “no” vote, the US again stated the position that a fissile materials treaty would not be effectively verifiable. However, the US supports CD negotiations “on a treaty banning fissile materials for use in nuclear weapons and other nuclear explosives devices,” noting that “such a treaty would contribute to disarmament.” Despite past recognition of the need for a fissile material treaty and its previous year’s support for the precise language contained in this resolution, the US has taken another stand against the Shannon mandate and its explicit call for negotiations on an “effectively verifiable” treaty. Here the US ignores the response of lead sponsor Canada and other states that a full range of issues, from verification to how to deal with existing stockpiles, can be addressed in the negotiations.

Other explanations of vote revealed the deep tensions caused by the US approach. France regretted that the sponsors had not withdrawn the text in light of the lack of consensus. This had been urged by several countries. Britain similarly regretted that the draft, as currently worded, had divided the international community at a time when progress should be a prime objective. No doubt one concern is that the United States is now dangerously close to repudiating one of the principal commitments made in connection with the 1995 indefinite extension of the NPT, and has repudiated the other principal commitment, the CTBT (although the moratorium on testing continues).

In explaining its abstention, Israel said that “issues related to nuclear disarmament can be dealt with only after achieving lasting relations of peace and reconciliation, and within the

context of overall regional security and stability.” When contrasted with the statement of Egypt preceding the vote, the fault lines in the Middle East are readily apparent. Egypt said that it supported the draft and the CD mandate. Further, because the mandate provides that the treaty should deal with nuclear disarmament, its scope should cover stockpiles of fissile materials.

Interestingly, Israel also cited recent “non-compliance of states with their international obligations” and the “misuse and unchecked dissemination of nuclear fuel cycle capabilities,” and stated that a fissile materials treaty “does not address these challenges and can further complicate them.” Accordingly, “an overall priority in non-proliferation should be assigned to developing a new effective non-proliferation arrangement pertaining to the nuclear fuel cycle.” Intentionally or not, this linkage raises the possibility of a deal, perhaps made at the NPT Review Conference, trading controls on the spread of enrichment and reprocessing technology with acceptance by the US and others of negotiations on a verified fissile materials treaty. In a November 4 speech at Stanford, IAEA Director-General Mohamed ElBaradei called, among other things, for FMCT negotiations and for “working towards multilateral control over the sensitive parts of the nuclear fuel cycle - enrichment, reprocessing, and the management and disposal of spent fuel”. It should be borne in mind, however, that even if the US were inclined towards such a deal, it still must agree on a program of work in the CD. Hard-liners in the Bush administration may very well balk at even “discussing” PAROS and complete nuclear disarmament there.

To read the full text of IAEA Director General’s Nov. 4 speech, see:

<http://www.iaea.org/NewsCenter/Statements/2004/ebsp2004n012.html>

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Terrorism

The recent Report of the Policy Working Group on the UN and Terrorism, established by the Secretary-General in October 2001, recommends that, "[w]ithout attempting a comprehensive definition of terrorism, it would be useful to delineate some broad characteristics of the phenomenon. Terrorism is, in most cases, essentially a political act."

At the UN, the definition itself is politicized. Several countries do not consider liberation movements to be terrorists — as the saying goes, one man's terrorist is another man's freedom fighter. Others dispute the concept of state terrorism. And some States see the fight against terrorism as a convenient justification for some foreign policy objectives.

With Member States in disagreement over the definition of terrorism, real multilateral progress in combating or preventing it remains stymied. Even with a network of UN bodies addressing the issue— including the General Assembly's First, Third and Sixth Committees, a UN Working Group and the Security Council and three of its committees— the UN still lacks a legal definition of what constitutes terrorism, even as it portends a war against it.

Security Council Resolution 1566, conforming with all prior attempts by the UN to define terrorism, condemns the form of action called terrorism without incurring the political consequences of labeling individuals or a movement as "terrorist." Even the Counter-Terrorism Committee, tasked in 2001 by SC Resolution 1373 with increasing the capability of States to fight terrorism, is expected to do so without ever identifying its adversary.

The 59th General Assembly has kept up a dialogue on the question, but real efficacy of these efforts remain to be seen.

Last week, the First Committee adopted without a vote a resolution on measures to prevent terrorists from acquiring weapons of mass destruction, underscoring the link between WMD proliferation and terrorism.

In its ongoing debate on terrorism, the Sixth Committee recently established a Working Group to continue elaboration of a draft comprehensive convention on international terrorism. The Chair of the Sixth Committee also invited interested delegations to approach him on the question of convening a high-level UN conference to formulate an organized international response to terrorism in all its forms.

To help develop a balanced

Chemical and Biological Weapons

L.16, "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on Their Destruction" was adopted without a vote on October 27.

L.12, "Measures to uphold the authority of the 1925 Geneva Protocol", was adopted on October 27 with a vote of 165 in favor to none against, with 3 abstentions (Israel, Marshall Islands and the United States).

L.17/Rev.1, "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction", was adopted without a vote on November 3. In the revised version operative paragraph 3 was expanded to elaborate the program of action on biological weapons, including: the "the adoption of necessary national measures... including the enactment of penal legislation, and national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins"; "enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons... and strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals and plants;" "and adoption of codes of conduct for scientists; and calls upon the States parties to the Convention to participate in its implementation".

Although there was no discussion at the time of its adoption, references were made to the continued need for the Treaty to have a verification system, by Pakistan, for instance, when the Canadian resolution on verification was considered. The program of action detailed in the resolution is being utilized by scientists to try and make progress on a number of issues before the Review Conference. There will be another meeting in November, 2004 and a further meeting in 2005 prior to the next Review.

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Landmines

The resolution L.40/Rev.1 entitled “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction” was adopted with 140 votes in favor on November 1st, 2004. The Democratic People’s Republic of Korea voted against the resolution; 18 other States abstained. The draft resolution was introduced by Thailand on behalf of 127 other countries.

Republic of Korea abstained from the vote citing national security reasons. Despite the Republic of Korea’s continuous abstention on the resolution, it affirmed its support of the humanitarian objectives of the Convention, noting that, as an acceding country to the amended Protocol II of the Convention on Certain Conventional Weapons, it will remain involved in the discussions on disarmament. The Republic of Korea also noted their willingness to continue its financial support to the mine action programs.

The representative of Singapore reaffirmed his country’s position on landmines by stating that “Singapore supports and will continue to support all initiatives against the indiscriminate use of anti-personnel landmines, especially when they are directed at innocent and defenseless civilians.” While Singapore has indefinitely expanded its moratorium on the export of anti-personnel landmines without self-neutralizing mechanisms in 1998, and its vote in favor of L.40/ Rev.1, it too cited “legitimate security concerns and the right to self-defence”, and regards it “counter-productive” to eliminate all types of landmines.

The Moroccan delegation, which has abstained on the resolution in the past years, voted in favor this year. Morocco reiterated its support and commitment to the humanitarian objectives of the Ottawa Convention, noting that while it is not party to the Convention, Morocco has always followed the provisions of the Convention and has never been involved in the import or export of the anti-personnel landmines. Morocco also highlighted its ratification of the amended Protocol II of the Convention on Certain Conventional Weapons in 2002, which it considers an “essential instrument” in promoting international humanitarian principles. The representative of Morocco stated that the ratification of the Protocol serves as “proof of Morocco’s commitment to the fight against the anti-personnel landmines.”

The Republic of Congo emphasized the serious consequences of the use of the anti-personnel mines, including limitations on freedom of movement and an inability to cultivate earth, which in turn impairs development. “These deadly and devastating machines,” they continued, “contribute not only to the misery of the victims, but also to the misery of their families and communities.” Congo itself has areas of suspected mined zones in

the southwestern part of the country and is taking active national measures to effectively implement the articles of the Ottawa Convention. Congo is a Party to the African Common Policy adopted in New York this year.

Congo expressed its gratitude to Canada for financing government workshops on the Ottawa Convention held in Brazzaville in 2003 and for assisting in the destruction of 5,136 anti-personnel mines in the military arsenal the same year. On that note, the representative of Congo appealed to all the Member States by asking for assistance in “realization of the humanitarian objectives of the Convention.” It is with its wish for a mine-free world and “a better tomorrow” that Congo joined other countries in co-sponsoring of the draft resolution L.40/Rev.1.

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Terrorism Continued

approach in the war against terrorism, the Third Committee recently appointed an Independent Expert for the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism. The appointment underlined concern that the fight against terrorism should enhance, rather than undermine the rule of law and respect for fundamental freedoms.

Because the UN Member States still lack an agreed-upon definition, there are currently 12 “piece-meal conventions and protocols” on terrorism, according to the UN Office on Drugs and Crime. Drawn up between 1963 and 1999, these international conventions prohibit particular terrorist acts, such as aircraft hijacking and diplomatic hostage-taking, without providing a general definition of terrorism.

A consensus definition of terrorism could reduce the concerns and fears that some States have about the war on terrorism. By unifying and harmonizing global public opinion and policy, it would help coordinate efforts to combat a problem that directly or indirectly affects the UN and all of its members.

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Prevention of an Arms Race in Outer Space

Now faced with the stark reality of another Bush administration, one which stands resolutely opposed to the prevention of an arms race in outer space (PAROS), States and NGOs in support of PAROS must redouble their efforts to start discussions on this important issue.

In their general statement to the First Committee, Sri Lanka noted that “the annual presentation of the PAROS resolution in the First Committee and the almost universal endorsement of its principles... has had the salutary effect of according to these objectives, the status of customary law.”

Customary law, however, holds little sway over the Bush administration, which views most multilateral treaties with suspicion, even those to which they are party. The US withdrawal and consequent negation of the Anti-Ballistic Missile Treaty added greater urgency to the need for PAROS, as noted by several States during the general debate of the Committee. (See *First Committee Monitor*, week 2.)

Other arms control and disarmament regimes are also adversely affected by the lack of a legal mechanism banning the weaponization of outer space. Efforts at controlling the use of missiles, for instance, are hampered by their inattention to issues of space. Brazil, Cuba and Egypt cite the Hague Code of Conduct's lack of attention to peaceful uses of outer space as a major reason for their lack of support for the Code. As a result, one of the only elements of an otherwise abysmally weak missile regime eludes universalization and utmost efficacy.

China continually warns that the deployment of weapons in space would “result in great fallout” and damage existing arms control agreements, especially those pertaining to nuclear weapons and missiles.

The Five Ambassadors' proposed program of work (the A5) would establish an ad hoc body to discuss matters relating to PAROS. This proposal, however, is yet to be adopted, despite the broad acceptance of the A5 and the universal appeals for the CD to begin substantive work.

Until that time when the CD propels discussions on this issue, the threat to outer space continues to mount.

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A New Agenda

Setting out to create the best atmosphere possible for the upcoming NPT Review Conference, the New Agenda Coalition largely succeeded with this goal with A/C.1/59/L.22, “Accelerating the implementation of nuclear disarmament commitments”. In addition to increasing support this year by 14 votes to 135, the number of abstentions was reduced to 25, down from 38 in 2003. Most notably, recognizing the efforts of the New Agenda States to adopt a consensual tone, seven NATO member States, including Germany and The Netherlands, joined Canada in voting for this year's resolution. Other States changing from abstentions or negative votes to positive votes included the Republic of Korea and Japan.

The intent of the resolution was not to identify those steps most important for creation of a nuclear-weapon-free world - thus the absence of reference to further deep and this time verified US-Russian reductions or to standing down nuclear forces - but rather to focus on measures on which there is the possibility of progress prior to the Review Conference. Such progress obviously would make for a far more harmonious conference. The resolution calls, among other things, for early entry into force of the CTBT; steps to reduce non-strategic arsenals and non-development of new types of nuclear weapons; and establishment of subsidiary body within the CD to address nuclear disarmament. It also agrees to resumption of negotiations in the CD on an effectively verifiable FMCT, and underlines the principles of irreversibility and transparency and the development of verification capabilities.

The reelection of George W. Bush has diminished prospects for such progress, but still it is worth considering where pressure might best be exerted. Non-testing and non-development of modified or new nuclear weapons are fundamental, but it is most unlikely that, in any event, the second Bush administration would test early in 2005 (Department of Energy contingency plans point to that possibility later in the term). Research on modified nuclear weapons is underway, but development in the sense of engineering for mass production and deployment is not imminent. It seems conceivable that the Bush administration while maintaining its objection to verification provisions would enter into negotiations on an FMCT, but there are high hurdles to overcome (see Fissile Materials report, page 5). Chief among them is US agreement on a program of work in the CD, including the body to discuss complete nuclear disarmament referenced by the NAC resolution. In principle, work could begin between Russia and the *continued on page 9*

Conventional Weapons

All but one of the eight draft resolutions relating to conventional weapons were adopted without vote, a far cry from last year's drawn-out debate over the Japan-sponsored resolution that established the Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons.

L.43/Rev.1 on "The illicit trade in small arms and light weapons in all its aspects" and Australia's draft resolution on man-portable air defense systems, L.49/Rev.2, were adopted without a vote on Wednesday, November 3. Iran, taking the floor to explain its vote on L.43, viewed operative paragraph 5 "as a contingency planning." Iran pointed out that the consultations requested of the Secretary-General in OP 5, remain "subject to the conclusion of the open-ended working group to negotiate an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit trade in small arms and light weapons."

Other draft resolutions that enjoyed consensus include draft decision L.48 "Problems arising from the accumulation of conventional ammunition stockpiles in surplus", co-sponsored by Bulgaria, France and Netherlands; L.52 "Information on confidence-building measures in the field of conventional arms"; L.54 on the "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" (the CCW); draft resolution L.21/Rev.2, "Assistance to States for curbing the illicit traffic in small arms and collecting them" sponsored by ECOWAS; and draft resolution L.38, "Consolidation of peace through practical disarmament measures".

The draft resolution L.46, on "Conventional arms control at the regional and subregional levels," while enjoying much broader support than last year, was the only resolution dealing with conventional weapons that did not enjoy the full consensus support of the Committee. (See Regional Efforts report, page 13.) Instead, this draft resolution garnered 165 yes votes, 1 no and 1 abstention.

On the last day of the final week, the Committee adopted a Strategic Framework for The Period 2006-2007. Of particular importance to conventional arms (including practical disarmament measures) is subprogramme 3 whose main objective is to promote greater mutual confidence between Member States in the field of conventional arms and to address the destabilizing and excessive accumulation of and illicit trafficking in and manufacture of small arms and light weapons. The subprogramme is implemented by the Conventional Arms Branch and the objective will be pursued

through supporting the implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the illicit Trade in Small Arms and Light Weapons in All its Aspects and ensuring comprehensive, coordinated and coherent efforts of the UN System to address the challenges posed by SALW by maximizing the effectiveness of the Coordinating Action on Small Arms (CASA) mechanism.

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A New Agenda Continued

United States on transparency and verification regarding the Moscow Treaty reductions. This is envisaged by the documents accompanying its adoption, and mechanisms exist for that purpose. This seems a worthwhile area for civil society and non-nuclear weapon states to prioritize, not least because it is absolutely critical to substantive progress towards a nuclear-weapon-free world or even a world in which nuclear weapons are marginalized. US ratification of a CTBT is not on the horizon, nor are there any signals of movement on non-strategic arms.

In going forward to the NPT Review Conference, the New Agenda Coalition will seek to maintain a connection with key NATO states and other US allies. For a positive appraisal of the resolution in this regard, see "A New Bridge to Nuclear Disarmament" by Canadian Senator Douglas Roche, chair of the Middle Powers Initiative (www.middlepowers.org), at http://www.wagingpeace.org/articles/2004/10/30_roche_new-bridge-disarmament.htm. Not to be forgotten, though, is that the Coalition - itself noteworthy as a North-South grouping - will also need to sustain the support of Non-Aligned Movement countries. Civil society should support the Coalition in this delicate balancing act, made all the more difficult, of course, by the intransigence of the nuclear-weapon states, especially including the United States.

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Negative Security Assurances

In 1996, the International Court of Justice issued an Advisory Opinion, which deemed that the use of nuclear weapons, as well as the threat to use them, ran contrary to international humanitarian law.

Despite this historic ruling, codified, legally binding assurances that a Non-Nuclear Weapon State (NNWS) will never suffer the bombing or threat of bombing by nuclear weapons remain elusive.

Some States remain staunchly opposed to negative security assurances given to non-NPT State Parties. Others believe that the sole disarmament negotiating body in Geneva is the appropriate forum for the beginning of such negotiations. Most Nuclear Weapon States (NWS) believe that existing assurances given through Security Council resolutions 255 and 984 remain sufficient.

Meanwhile, the quest for such security assurances becomes increasingly more urgent, as the numerous demands for their negotiation attest. As Ecuador noted during the second week of the Committee, “the lack of advancement in the process of nuclear disarmament has made imperative the promotion of a legally binding instrument, a guarantee from those who have nuclear potential to never use or threaten to use nuclear arms against states that do not possess those weapons and who are party to this Treaty.”

This year, Member States adopted two draft resolutions that dealt with negative security assurances. Draft resolution L.44 which dealt primarily with “effective” security assurances “against the use or threat of use of nuclear weapons”, was adopted with 109 voted in favor, none against, and 61 abstentions.

Draft resolution L.26/Rev.1 entitled “Nuclear Disarmament,” contained an operative paragraph that “calls upon all States to conclude an internationally and legally binding instrument on security assurances or non-use and non-threat of use of nuclear weapons against non-nuclear weapon States.” Operative paragraph 16 also “calls for the conclusion of an international legal instrument or instruments on adequate security assurances to non-nuclear-weapon States.” This draft resolution was adopted on Monday, November 1, with 93 votes in favor, 42 opposed and 18 abstentions.

Negative Security Assurances, in spite of the polarization of views on the issue, can serve as a significant contribution to the twin goals of nonproliferation and disarmament. They can undoubtedly curb potential proliferators by eclipsing the “self-defense” justification for nuclear weapons develop-

ment. If NNWS were guaranteed that nuclear weapons will never be used against them, the only States that do risk a nuclear attack on their soil are the ones which themselves possess these weapons. In this way, NSAs provide an incentive for disarmament as well.

As Pakistan observed, “until nuclear disarmament is achieved, security guarantees to non-nuclear weapon States can provide a most effective tool to reduce incentives for WMD proliferation.” Codified NSAs in the context of the NPT serve as one of the most enticing “carrots” for States like North Korea to rejoin the NPT family, and deter other, future would-be pull-outs.

Yet despite the legal, moral and rational grounds for the commencement of negotiations on NSAs, some States “entertain the notion that nuclear weapons may be used preemptively against Non-Nuclear Weapon States, or deem them as a possible defense against conventional weapons,” as pointed out by the New Agenda Coalition during the general debate. But, at the very least, the adoption of draft resolutions L.44 and L.26 will add impetus to the campaign for legally binding assurances against the use and threat of use of nuclear weapons.

For more on Negative Security Assurances, see: <http://www.reachingcriticalwill.org/legal/npt/issues.html#NSA>

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Verification

L.33, “Verification in all its aspects, including the role of the United Nations in the field of disarmament”, was adopted without a vote on November 1. Canada introduced the resolution and shepherded it through. Cosponsors included Chile, El Salvador, Germany, Republic of Korea, the Russian Federation and Sweden. It requests the Secretary-General to solicit the further views of Member States and calls for a report from a panel of government experts to consider verification issues, including the role of the UN in verification, in 2006. There will be three sessions in 2006, one in New York and two in Geneva. The cost of those sessions would be \$224,160. There would be further Secretariat expenditures totaling \$385,000.

After its adoption, several delegations explained their support or their concerns. .

Pakistan affirmed the “essential” role of verification, but asserted that it does not have an “independent existence” apart from the “arms limitation and disarmament agreements” of which verification is “integral”. Doubting that much more can be achieved beyond the 1988 study and the Disarmament Commission’s elaboration of 16 verification principles, Pakistan emphasized that “(c)oncepts relating to verification cannot be promoted in a vacuum,” and doubted “very much that this is a good time for setting up another Expert Panel for what may end up to be only an academic exercise.”

Rejecting “the view that the work of this panel will undermine or be inconsistent with relevant treaty bodies’ unique verification functions”, the Republic of Korea urged against the tendency “to prejudge the outcome of this panel” before its work had even begun. Noting that it has been 10 years since there was a panel of governmental experts addressing this key issue, South Korea affirmed that “it is the right time to set up another panel to review this matter.”

Iran asserted the UNDC as “the best UN body to explore further on the issue including the role of UN in this regard,” and noted that “quite interestingly, this issue of verification in all its aspects has been suggested by an important group of states as a candidate for an agenda item within the UNDC.” Iran expressed hope for the panel of governmental experts, urging it to “tak(e) into full account the work of the commission and the different views of member states,” warning that “(o)therwise the product of the panel of governmental experts would be more division and divergence

rather than convergence.”

While fully supporting a larger role for the United Nations in the field of verification, Egypt questioned the efficacy of a new study when the recommendations of the prior study remain unimplemented, and suggested that these recommendations should be reviewed before a new study commences.

The UK stated that they “remain to be fully convinced that a panel is the most appropriate and effective” means to facilitate progress on verification. The UK maintained that verification is best handled in the context of treaty regimes “or in future negotiations of treaties.” They also urged against “interference” with existing verification regimes, such as the IAEA or the OPCW, and expressed concern that the new panel will be used as “a pretext to delay enhancing verification efforts in treaty regimes.”

Questioning the scope of the panel, Japan also noted concern that the panel would interfere with the work of the IAEA and the OPCW, noting that there exists an ongoing program for the BWC. Japan noted also that, in the absence of an international legal mechanism to ban the use or possession of missiles, it is not possible to verify missile development or acquisition. Therefore, Japan stressed that the work of the panel should be technical, and its scope identified.

The US said it placed a high value on genuine, internationally agreed verification, agreeing that the panel could make a positive contribution. The US noted, however, that the mandate omitted critical factors of compliance. US proposals for incorporation of compliance in the text had not been accepted.

India voiced support for the idea of a verification agency under the aegis of the UN, which should provide a link to specific instruments such as the BWC and the UN Disarmament Commission’s 16 principles. Acknowledging that such a UN agency may be premature, the Indian delegation nonetheless voiced support for the creation of such an agency.

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Disarmament Education

Two resolutions related to disarmament and non-proliferation education were adopted last week without a vote—"Disarmament and Non-proliferation Education"(A/59/L.53/Rev.1) introduced by Mexico on behalf of twenty-three other countries, and resolution 59/L.4 Rev.1 entitled "United Nations Disarmament Fellowship, Training and Advisory Services," which was introduced by Nigeria.

The representative of Mexico gave a brief history of the resolution L.53. In November 2000, a resolution entitled "UN Study on Disarmament and Non-proliferation Education" (A/RES/55/33E) was adopted by the General Assembly without a vote, reflecting the understanding of the need to "combat negative effects of the cultures of surveillance." The resolution asked Secretary General to conduct a study on disarmament and non-proliferation education.

The resolution 57/60, adopted without a vote in November 2002, welcomed the UN study on disarmament and non-proliferation education, which included recommendations for "immediate and long-term implementation." The resolution L.60 stressed "that the need has never been greater for disarmament and non-proliferation education, especially on weapons of mass destruction, but also in the field of small arms and light weapons, terrorism and other challenges to international security and process of disarmament." Operative paragraph 3 of the resolution called upon all the States, NGOs, international organizations, media, and civil society to actively participate in the implementation of the recommendations and requested a report reviewing the results submitted by the Secretary General.

In response to the above resolution, the Secretary General presented a report (A/59/178 Add.1), which provided a summary of the activities of the Member States, international organizations, and NGOs carried out in accordance with the recommendations of the Study on Disarmament and Non-Proliferation Education.

To make the implementation of the operative paragraph 3 of 57/60 and 59/53 more effective, Mexico proposed a greater use of electronic media to maximize the spread of information on the programmes and activities of various States and organizations dedicated to the disarmament education.

Mexico's other proposal regarding the spread of information, was an oral amendment to the operative paragraph 4, which would encourage Secretary General to disseminate information on the UN Study in "all *continued on page 13*

Comprehensive Test Ban Treaty

This week, the First Committee adopted draft resolution L.25/Rev.1 with an overwhelming majority:147 votes in favor, one against (the USA) and four abstentions (Mauritius, Syria, Colombia and India). Kuwait, Jordan and Papua New Guinea, absent during the vote on the draft, declared afterward that they would have voted in favor if they had been present.

Among the so-called Annex II States whose ratification is essential for the entry-into-force (EIF) of the CTBT, the United States opposed the draft as it has done for the last four years, reiterating its opposition to the CTBT and its refusal to become party to it. Colombia reaffirmed its commitment to the treaty but abstained as they did last year, due to "constitutional impediments", and appealed for more negotiations to "yield an early way out of the problem." India did not offer an explanation of its abstention. (See *First Committee Monitor*, week 4.)

Pakistan, which has not yet signed the treaty, and Israel, which has signed but not ratified it, voted in favor of the draft resolution.

Pakistan noted that signature and ratification would "of course be facilitated when major erstwhile supporters of the CTBT decide to restore their support" and if the treaty was accepted "on a regional basis in South Asia."

Israel stressed its active role in the negotiations and drafting of the treaty. It voted in favor of the draft because it agrees with the CTBT's objectives, despite its reservation to the wording of operative paragraph 1, which urges signature and ratification "without delay and without conditions". Israel affirmed the need for some "prerequisites" for EIF of the treaty: the development of the verification regime, to which it has contributed, should be completed and be "effective but immune to abuse"; political issues should be resolved and negative dynamics should be reversed, especially in the Middle East and in South Asia. Furthermore, progress is needed on different issues such as the necessity to provide sufficient funds to the CTBTO, the need to operate and test the International Monitoring System and the International Data Center prior to the EIF of the treaty and the expansion of the seismic operations to all States.

Syria, which has not signed or ratified the CTBT, abstained because the treaty has "ignored" its concerns. The treaty has no security assurances against the use of nuclear weapons by Nuclear Weapon States against States which do not possess such weapons. It does not *continued on page 14*

Regional Efforts

With the continued paralysis of multilateral machinery and the emergent popularity of ad hoc plurilateral initiatives, the importance of regional initiatives in the maintenance of peace and security continues to grow.

The 59th session of the GA First Committee approved nine draft texts that affirmed the special contribution of regional initiatives.

Two draft resolutions on Nuclear Weapon Free Zones (NWFZ), L.7 on Central Asia and L.19/Rev.1 on Mongolia, were adopted without a vote, while Mexico's draft resolution L.41 on a southern hemisphere NWFZ met unified resistance from Nuclear Weapon States (NWS). France delivered an explanation of vote (EoV) on behalf of the UK and the US, explaining that they "remain uncertain" that a southern hemisphere NWFZ will add value to existing measures. The NWS welcomed the preambular reference to "freedom of the high seas," but questioned the "real intent" of the resolution, which they fear will lead ultimately to a prohibition of nuclear transshipment across the high seas.

L.47 and L.35, on "Regional disarmament" and Mediterranean "security and cooperation", respectively, were adopted without a vote, as was L.44/Rev.2 on "Confidence-building measures in the regional and subregional context".

Albania, which joined the consensus on the biannually-introduced L.55/Rev.2 on "good-neighbourliness" in South Eastern Europe, nevertheless expressed significant disappointment with various elements. Albania maintained that they "had the intention and goodwill" to cosponsor the draft despite serious reservations. They noted that "not a single consultation" was held to attempt to resolve their concerns regarding preambular paragraph 11, which they noted had "not been part of the resolution two years ago." No other documents or agreements, Albania asserted, contains the language encompassed in PP 11, which affirms "the crucial importance of strengthening regional efforts in South-Eastern Europe on arms control, demining, disarmament and confidence-building measures and on non-proliferation of weapons of mass destruction, and concerned that, in spite of ongoing efforts, the illicit trade in small arms and light weapons in all its aspects persists in some parts of the region". Albania argued that such "vague and unclear" language "raises doubts" with all countries in the region.

L.46, on "Conventional arms control at the regional and subregional levels," which underwent significant changes from the 2003 version, narrowly missed a consensus vote, with India casting the lone negative vote against 165 affirmative and one abstention (from Bhutan). (See Regional Issues report, week 4.)

The Committee also adopted two draft resolutions regarding nuclear disarmament and nonproliferation in the Middle East.

While L.8 "Establishment of a nuclear-weapon-free zone in the region of the Middle East" enjoyed the consensus it historically has, Israel and the United States were joined by Micronesia and the Marshall Islands in voting against draft resolution L.37, "The risk of nuclear proliferation in the Middle East". As reported in last week's *Monitor*, Israel criticized the draft resolution as "biased", noting that it ignores "the fact that the real risk of nuclear proliferation in the Middle East emanates from countries that, despite being parties to international treaties do not comply with their relevant international obligations" and rather "focuses entirely on one country that has never threatened its neighbors, nor abrogated its obligations under any disarmament treaty."

The global consensus on the value of regional initiatives was thus, once again, reaffirmed at this 59th session of the General Assembly. States in the same region of the world are able to understand better the conflicts that threaten their societies and are therefore often best-equipped to address the root causes of the conflicts and resolve them. However, the strength of disparate alliances should not be undermined; the New Agenda Coalition, a group of seven countries hailing from five continents, is sometimes able to coalesce different perspectives and priorities and forge an approach that can be agreeable to all, regardless of geography.

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Disarmament Education Continued

official languages" to all delegations.

The resolution L.4/Rev.1, introduced by Nigeria, acknowledged the contributions made by Nigeria's training programme for diplomats in the area of disarmament and called for Member States to consider gender equality while nominating candidates for the programme.

The easily achieved consensus and shared understanding of the importance of the disarmament and non-proliferation education among the Member States give a hope for more encompassing and better implemented approach to the disarmament and non-proliferation issues.

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Disarmament and Development

In 2002, the General Assembly adopted resolution A/RES/57/65 on “Disarmament and development”, which established the Group of Governmental Experts (GGE) on the issue. Last year, the GA adopted a simple draft decision A/58/462, which called to include the topic on the following year’s agenda.

This year’s draft resolution, A/C.I/59/L.28, was adopted on October 27 with 165 votes in favor; France and Israel abstained and the United States voted against.

L.28 contains some minor differences to previous resolutions on the subject of disarmament and development. OP 6, for instance, encourages regional and sub-regional organizations and institutions, NGOs and research institutes to incorporate issues related to the relationship between disarmament and development in their agendas, and a request that the Secretary General report to the 60th General Assembly on the status of implementation of this resolution. OP 5’s reference to the Millennium Development Goals was also relatively new, as was the specific request that resources made available by the implementation of disarmament and arms limitation agreements be devoted to economic and social development.

On October 25, GGE President Ambassador Nicolas Rivas (Colombia) reported to the First Committee on the work of the GGE and of the history of international exploration of the relationship between disarmament and development. The Group held three, one week long substantive sessions, using as a basis for its work the Final Document and the Program of Action of the International Conference on the Relationship between Disarmament and Development, convened in 1987.

In his report to the Committee, Ambassador Rivas cited Article 26 of the Charter as “the first precedent...on the relationship between disarmament and development.” He cited also the First Special Session on Disarmament (SSOD I) as the basis for the 1987 Conference.

The Group also considered “security in all its aspects”, a framework that “is fundamental for disarmament and development on the individual, national, regional and international level.” The Group also recommended to “to

incorporate the concept of ‘human security’ in the global system of peace and collective security.”

For more on human security and disarmament, see: <http://www.reachingcriticalwill.org/social/genderdisarm/humansec.pdf>

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CTBT Continued

oblige these States to get rid of their weapons, prohibit the use or the threat of use of them, nor does it ban the production of new types of weaponry. Syria remains concerned also with the draft resolution’s failure to refer to the importance of the NPT.

The EU reiterated its support for the CTBT as an important instrument for international peace and security which should be a legally binding instrument with a credible verification regime. As part of their ongoing efforts for an early EIF and universality of the treaty, the EU will continue to call upon those States that have not yet done so to sign and ratify the treaty without delay or conditions. Accordingly, the EU strongly supports the initiative of the Special Representative of the ratifying States to achieve universality. The EU also noted the proposal of a report in OP 8 that should be prepared with the expertise of the preparatory commission of the CTBTO.

During the final days of the 59th session, the First Committee discussed and debated elements pertaining to its agenda and working methods for the next 60th session of the General Assembly. There was a suggestion that the item “notification of nuclear tests” be eliminated because it sent the wrong message. However the Committee decided not to recommend elimination of any agenda item or sub item at this stage of its work.

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