

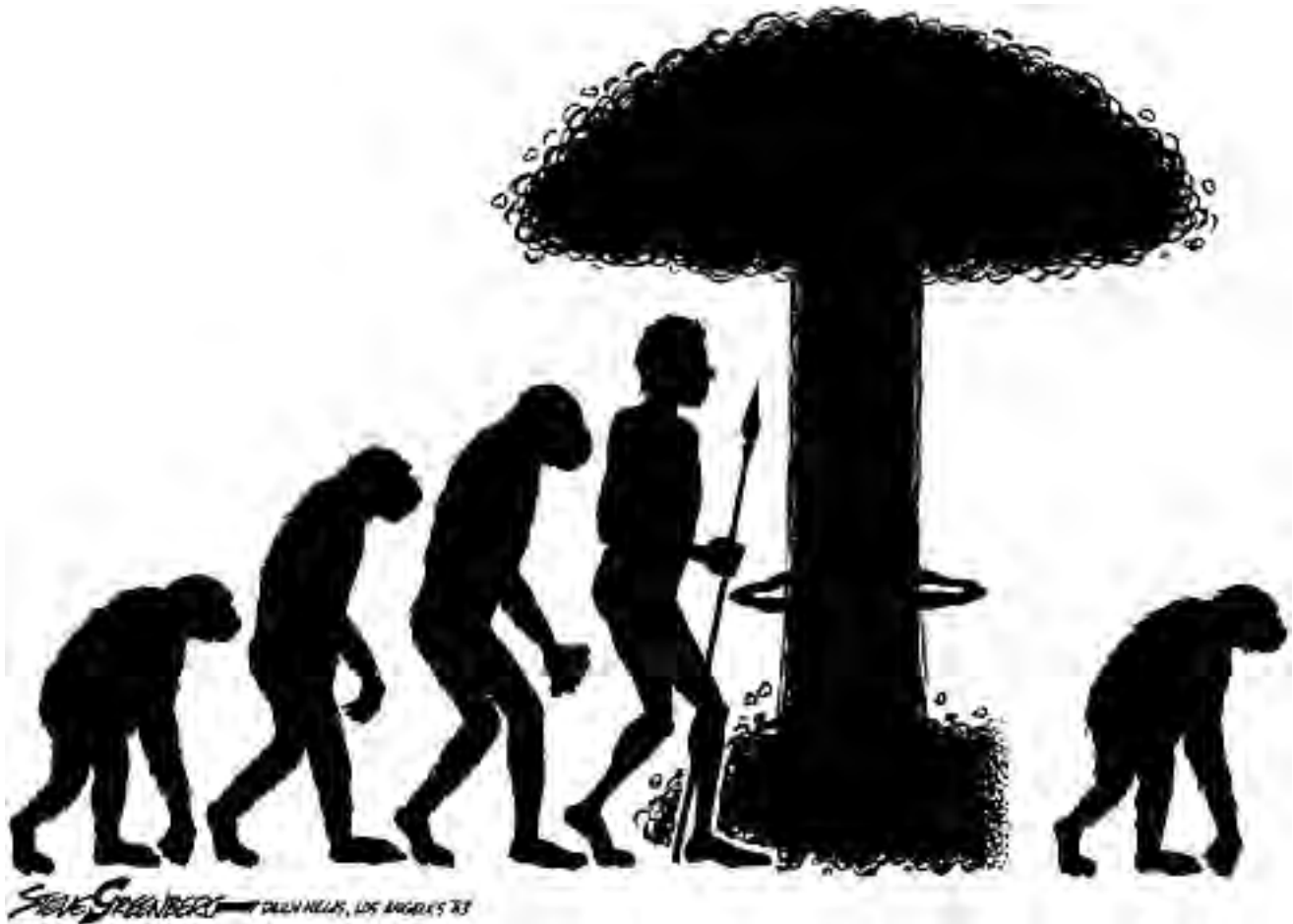
FIRST COMMITTEE MONITOR

*NGO Reporting on the United Nations General Assembly
First Committee on Disarmament and International Security
5 October–3 November 2009*

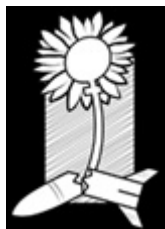
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Preview Edition

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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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About the First Committee Monitor

Regular reporting on the First Committee will commence on Monday, 12 October and will continue each week throughout First Committee. All topics related to disarmament and security will be covered by our team of NGO reporters.

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- Research and analysis of critical issues related to disarmament and arms control.



Editorial: Time to reframe the debate

Ray Acheson | Reaching Critical Will of WILPF

Heading into another session of First Committee, the situation looks a little more positive than last year. Issues related to disarmament have received increasing attention throughout 2009 from governments, the media, and the general public. Many high-profile individuals have called for a nuclear weapon free world; many governments have ratified the Convention on Cluster Munitions. Civil society has continued campaigning around these weapons and others—small arms, antipersonnel landmines, depleted uranium weapons, space weapons—to prevent their development, modernisation, production, trade, and stockpiling.

There is a new administration in Washington that appears interested in active multilateralism. The United States fully participated in EU3+3 talks with Iran for the first time. Russian and US officials have been talking about reducing their arsenals further. The UN Security Council held a presidential Summit on nuclear non-proliferation and disarmament on 24 October, coinciding with the sixth Entry Into Force conference of the Comprehensive Test Ban Treaty—which 150 states have now ratified. Disarmament was a central theme for many delegations addressing the UN General Assembly's general debate in September, with 80 countries speaking about disarmament—up from 19 in 2008.

The heightened awareness and activity around disarmament is encouraging. However, those concerned with concrete movement toward a more secure and equitable world order with less armaments and reduced military expenditure need to take the time to separate the rhetoric from the reality. Now is the time for action, but it is equally crucial to ensure that the actions taken in the name of disarmament actually achieve that goal.

With the change of US administration, the US government and several of its allies have adopted a new rhetoric on nuclear disarmament. They have begun to espouse policies for a “nuclear weapon free world” that do not actually include specific or time-bound steps for disarmament. These measures have focused nearly exclusively on strengthening or demanding new nuclear non-proliferation measures and commitments from non-nuclear weapon states, while at the same time maintaining the status quo (i.e. no progress) on nuclear disarmament.

The process toward an Arms Trade Treaty faces similar dangers of co-option by the powerful few who have interests at stake other than peace, justice, and security. Civil society and most governments want the ATT to reduce the human costs associated with the proliferation of conventional arms. However, thus far discussions have reached a lowest common denominator consensus only on dealing with illicit trade. Whether or not states will be able to agree to a treaty that has any real benefit to

human security, by applying humanitarian and human rights standards to arms transfer decisions, is far from assured.

Civil society and concerned governments need to ensure that discussions and actions around disarmament and non-proliferation are clear and balanced. We also need to shift the language of the debate away from that which focuses on so-called “national security”—which in reality is the economic security only of the elite, technologically proficient classes of the state—to that which focuses on human security. To a large extent this is already happening in the ATT process. For nuclear weapons, it has hardly happened at all outside of particular segments of civil society.

John Borrie, who works for the United Nations Institute for Disarmament Research, has looked closely at the initiatives to ban cluster munitions and landmines for lessons that could potentially be applied to the elimination of nuclear weapons. He notes that those working to abolish these weapons reframed the discourse and acceptability of these weapons in broader terms than before. Campaigners focused on the human impacts of the weapons alongside their purported military advantages and consciously shifted the burden of proof for the continued acceptability of a weapon onto users and producers. Regarding nuclear weapons, this means forcing those who want to keep them to try to make a convincing case for their acceptability in humanitarian terms, *regardless of their purported military advantage*.

Reaching Critical Will asks all delegations to the First Committee to take the time this year to debate the humanitarian merits of nuclear weapons. During the thematic debate on nuclear weapons, it would be extremely useful if delegations would address the values, perceptions, and interests of nuclear weapon possession and abolition. Getting away from Cold War deterrence theories, we are interested in hearing a debate on the moral, legal, and humanitarian justifications for the retention or elimination of nuclear weapons.

The First Committee is the place for this debate. All UN member states can participate. It makes recommendations to the General Assembly through resolutions related to all issues of disarmament and international security. Its work feeds into other disarmament machinery, including the Conference on Disarmament and the nuclear Non-Proliferation Treaty (NPT). The time is ripe—we are coming out of the UN Security Council Summit on nuclear issues and heading into the NPT Review Conference. Having a frank discussion about the reality of nuclear weapons, *without all the rhetoric*, would be instrumental to actually making concrete steps toward true disarmament and stronger non-proliferation.

Reflections on the UN General Assembly General Debate 2009

Ray Acheson | Reaching Critical Will of WILPF

The UN General Assembly held its general debate from 23–29 September. Many of the same issues that dominated the debate last year—the converging crises of food insecurity, climate change, rising poverty, financial collapse—framed the debate again this year. Due to the Climate Change Summit held at the UN the day before the general debate began, most states included their priorities or positions on the climate in their statements. However, issues related to weapons, disarmament, and non-proliferation also received much greater attention than they did in 2008. For example:

- 2008: 19 countries referred to disarmament
- **2009: 80 countries referred to disarmament**
- 2008: 19 countries referred to non-proliferation
- **2009: 71 countries referred to non-proliferation**
- 2008: 17 countries referred to nuclear weapons
- **2009: 73 countries referred to nuclear weapons**
- 2008: 18 countries referred to WMD
- **2009: 28 countries referred to WMD**
- 2008: 21 countries referred to conventional arms
- **2009: 31 countries referred to conventional arms**

Nuclear weapons

The majority of the 73 countries who spoke about nuclear weapons called for their complete elimination. UN Secretary-General Ban Ki-moon led on, requesting that 2009 be “the year we agreed to banish the bomb.”

While welcoming the UN Security Council’s Resolution 1887 on non-proliferation, many states at the General Assembly recognized the need for balance. Germany’s representative noted, “Our clear commitment to ridding the world of all nuclear weapons is the best way to strengthen the international non-proliferation regime.” Indonesia’s Minister for Foreign Affairs argued, “In a truly democratic world order, the nuclear powers will live by their commitment to the Non-proliferation Treaty by slashing their nuclear arsenals and abiding by the Comprehensive Test Ban Treaty. In turn, we non-nuclear countries continue to refrain from developing nuclear weapons.” In order to strike a legally-binding balance, the delegation from Kazakhstan suggested the development of a universal “Comprehensive Horizontal and Vertical Nuclear Weapons Non-Proliferation Treaty.”

Conventional Weapons

Six states highlighted their support an Arms Trade Treaty, compared with four last year. The low-level attention given to this initiative does not match the support its resolution garners in the General Assembly. Similarly, only seven governments noted their support for the Convention on Cluster Munitions and five for the Mine Ban Treaty—far from representative of the attention these two instruments will receive during First Committee.

However, 31 governments spoke about small arms and light weapons this year, up 10 from 2008. Most

countries highlighted the domestic and international instability caused by the illicit trade and rampant proliferation of small arms. Nigeria’s Minister for Foreign Affairs reminded the Assembly that such weapons “become weapons of mass destruction—destroying lives, property, economies, and dreams—as well as the undermining of national and regional efforts at development.”

Reducing militarism by reducing military spending

Some high-level officials from governments used the opportunity to call for an end to globalised militarism and the military-industrial complex that perpetually undermines peace, security, and development. Most of these focused on reductions in military spending. Costa Rica’s President argued, “the gradual and progressive reduction of military spending is not only a good strategy for allocating resources, but also a moral imperative for developing nations.” He encouraged the international community to adopt the Costa Rica Consensus, an initiative that “would create mechanisms to forgive external debt, and support with international financial resources, developing countries—poor, or middle-income—that invest more in environmental protections, education, health, housing, and sustainable development for their peoples, and less in arms and soldiers.”

Likewise, the President of Paraguay argued that most countries routinely “trade a rifle for a container of vaccine,” always putting “defence” expenditures above the true interests of their citizens. Declaring, “Paraguay will not mortgage its daily bread to dance the daily blind waltz of the warlords,” he called for disarmament to put an end to the “industry of death and barbarism” and urged citizens to question their politicians’ budget priorities. Similarly, the President of the Marshall Islands called for a new “moral attitude” toward weapons and war, noting, “Banning nuclear weapons alone will not remove the root cause of war. Important as it may be, it does not exert an enduring influence. People are too ingenious to invent yet other forms of warfare. The world craves for something much more deep-seated than pure pragmatism. They yearn for permanent peace that springs from an inner state supported by a moral attitude.”

Culture of peace through multilateralism

Several delegations argued that this moral attitude can best be found in the promotion of multilateralism. 84 delegations included references to multilateralism in their statements. Most focused on the need for equality, inclusion, collectivity, cooperation, and dialogue throughout the international community. Perhaps most eloquently, the representative of Saint Vincent and the Grenadines called for a new multilateralism in which all states have equal access and equal participation in order to bring about the changes called for during this year’s general debate:

continued on next page



UN Security Council: Working toward a nuclear weapon free world?

Ray Acheson | Reaching Critical Will of WILPF

On 24 September 2009, US President Obama chaired a UN Security Council meeting on nuclear non-proliferation and disarmament. It was a great opportunity for heads of state from the fifteen members of the Council—including the five permanent members and nuclear weapon states China, France, the Russian Federation, the United Kingdom, and the United States—to make concrete commitments to nuclear disarmament and lay out the steps toward a nuclear weapon free world.

Unfortunately, these governments instead used the Summit to lay out their vision for stricter requirements for non-nuclear weapon states to prove they are not seeking to acquire nuclear weapons. As UK Prime Minister Gordon Brown said during his General Assembly statement: “Britain will insist that the onus on non-nuclear states is that in future it is for them to prove they are not developing nuclear weapons.”

Yet at the same time, the five permanent members did not extend any new commitments for themselves to eliminate nuclear weapons in compliance with their legal obligation to do so. There was some very strong rhetoric in favour of nuclear disarmament from some of the P5. US President Obama quoted Reagan, saying, “We must never stop until we see the day when nuclear arms have been banished from the face of the Earth.” But this rhetoric was not matched with action-oriented items in the resolution adopted at the Summit.

UNGA Reflections (cont.)

“We can no longer maintain the illusion of holding hands in artificial solidarity across the moats and turrets of structural and systemic inequalities. Modern multilateralism cannot proceed on the bases of the included and the excluded, of the political haves and have-nots. Nor can token assimilations of individual developing countries serve to mask the necessity for deep structural changes to existing power arrangements. We urge our brothers and sisters who have gained limited access to the halls of power to not only be a voice for their excluded brothers, to not only remember where they came from, but also to view themselves as the tip of the spear, the thin edge of the wedge, that will use their newfound privileges to dismantle these structures from within, even as we continue to make our presence felt outside the citadels of stasis and indifference.

Reaching Critical Will, with the assistance of the PeaceWomen project, tracked all references to peace and security at this year’s UNGA general debate, focusing on disarmament and weapons. Two indexes, by country and by topic, are available online at www.reachingcriticalwill.org. PeaceWomen also maintains an index on gender and women, available at www.peacewomen.org.

Resolution 1887 focused nearly exclusively on strengthening existing non-proliferation measures and advocating new, more stringent requirements for proof of non-proliferation, while at the same time requiring no concrete nuclear disarmament steps by the nuclear weapon states. The only reference to disarmament in the operative paragraphs of the resolution simply reiterates Article VI of the nuclear Non-Proliferation Treaty (NPT). As signatories to the NPT, the five permanent members of the Security Council are already bound by this obligation.

The problem with promoting non-proliferation without disarmament

While President Obama’s vision for a nuclear weapon free world is commendable and welcome, his rhetoric must match his government’s policy. Elites in the United States and its some of its allied states have come to see nuclear weapons as more of a problem for than a solution to the maintenance of their hegemonic order. From their perspective, the threat of more states acquiring nuclear weapons overrides the privileged position it currently affords the few that have them. The nuclear powers, therefore, have begun to lead a campaign for increased non-proliferation, citing the elimination of nuclear weapons as their “ultimate” goal but focusing for the foreseeable future on aggressive measures they believe are necessary to prevent the emergence of new nuclear states.

Proving this point, in his statement to the Summit, French President Sarkozy argued, “we live in the real world, not a virtual one. We say that we must reduce. President Obama himself has said that he dreams of a world without nuclear weapons. [Yet] before our very eyes, two countries are doing exactly the opposite at this very moment.” He went on to complain about Iran and North Korea’s nuclear programmes, without acknowledging that North Korea has minimal nuclear capabilities and that Iran has no nuclear weapons nor an immediate capability to produce them. For Sarkozy, the way to “confer credibility on our commitment to a future world with fewer nuclear weapons and, perhaps one day, a world free of nuclear weapons,” is to “have the courage together to declare sanctions against countries that violate Security Council resolutions.”

Disarmament proposals made during the Summit

However, several non-permanent members of the Council made concrete suggestions on how to move forward in a balanced manner.

1. President Arias Sánchez was the only delegate to the Summit to remind the Council of its commitment under Article 26 of the UN Charter to promote “the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources.”



Report on the Comprehensive Test Ban Treaty Conference

Ray Acheson, Rahma Hussein, and Joanna Hruskoci | Reaching Critical Will of WILPF

AThe biennial Comprehensive Test Ban Treaty (CTBT) Article XIV Conference on 24–25 September 2009 was held amidst a focus of international attention spurred by the UN Security Council Summit on nuclear non-proliferation and disarmament. In his opening remarks to the CTBT Conference, UN Secretary-General Ban Ki-moon expressed the need to seize the new momentum towards a world free of nuclear weapons, saying, “Let us make history by making the need for this conference history.”

The Conference is held to help facilitate the Treaty’s entry into force. Opened for signature in 1996, the CTBT still awaits nine essential ratifications before it enters into force. The nine hold outs, the so-called “Annex II” states for their listing in Annex II of the Treaty, are China, the Democratic People’s Republic of Korea, Egypt, India, Indonesia, Iran, Israel, Pakistan, and the United States.

Statements by non-ratifying states

For the first time in thirteen years, the US delegation attended the Conference, led by Secretary of State Hillary Clinton. She explained that the administration would work towards US ratification of the Treaty and urged other Annex II states to move forward with ratification as well.

Several other non-ratifying states spoke. China’s delegation said it is “the Treaty’s consistent supporter and abides by its commitment to moratorium on nuclear test.” Indonesia’s delegation, while remaining cognisant of its indispensable role in ratifying the Treaty, held “firm the view that the qualitative development of all nuclear weapons must stop, and therefore seek universal adherence to the CTBT, *first and foremost*, by all Nuclear Weapon States.” [Emphasis added]

Israel’s ambassador reiterated his government’s “unequivocal support” for the Treaty but said that the CTBT verification regime and International Data Center needs to be completed and tested to a greater degree, “necessary for entry into force”. He also indicated that Israel’s ratification is at least partially contingent on its admittance to the CTBTO’s Middle East and South Asia regional grouping or its Executive Council—which has been blocked so far by other CTBTO states.

Egypt’s ambassador explained that while Egypt was among the first states to sign the CTBT, its existence was in part motivated by the adoption of the NPT 1995 Review and Extension Conference package that included the resolution on establishing a nuclear weapon free zone in the Middle East. He indicated that the implementation of this resolution would “open the doors for a new horizon to the CTBT.”

Moving toward entry into force

While numerous States warmly welcomed and stated they were encouraged by the participation of United

States in both the CTBT Conference and the UNSC Special Session, the representative of Ireland also notably urged states, “not to wait for the US to act but to show leadership themselves in moving to a world where the testing of nuclear devices is unacceptable.” Indeed, if the eight other Annex II states ratified the Treaty without waiting for the United States, they would isolate the United States as the sole outlier. Governments should in fact be wary of the process leading to US ratification of the Treaty and take note of some of internal dynamics at play. All current Washington discourse indicates that the price of US ratification will be high—too high.

During the Conference, several delegations pointed to the value of the CTBT in halting the modernization of existing nuclear weapons, as well as serving a valuable role in the prevention of the qualitative development of new weapons and delivery systems. Indeed, this is a core value and intent of the Treaty. However, the deals being discussed in the US Senate point towards the possible exchange of CTBT ratification for modernization of the US nuclear arsenal and sustaining related infrastructure indefinitely.

In its statement to the CTBT Conference, WILPF called on all Annex II states to ratify the Treaty, but cautioned that there is such a thing as a price too high for ratification. Any deals given in trade for ratification will only serve to undermine the Treaty and cannot be accepted.

The entry into force of the CTBT would constitute an important step towards an equitable and secure nuclear free world envisioned by the vast majority of the world’s citizens and governments. The CTBT provides measures both to determine compliance with the Treaty (ie. to detect nuclear tests) and to remedy any situation of non-compliance. It is thus one of the best tools the international community currently has at its disposal to establish a process of complete nuclear disarmament. The Treaty should thus be ratified without undermining the Treaty’s goals of preventing the development of new or “better” nuclear weapons.



UN Security Council (cont.)

2. IAEA Director General ElBaradei, President Arias Sánchez of Costa Rica, and President Calderón Hinojosa of Mexico argued that in order to prevent the proliferation of nuclear weapons, the proliferation and misuse of other weapon systems must be addressed. ElBaradei encouraged the UN Security Council to “put more emphasis on addressing the insecurities that lie behind many cases of [nuclear] proliferation, such as endemic conflicts, security imbalances and lack of trust.”

3. President Mesic of Croatia suggested the international community support a multilateral contractual system related to nuclear arms control and disarmament, “which includes strict implementation and strengthened verification of contractual obligations.

4. Austria’s President Fischer expressed his support for a Nuclear Weapon Convention “equipped with a sophisticated verification mechanism.” He noted that in the meantime, the NPT needs to be strengthened, institutionalized, and universalized. President Fischer also called on the nuclear weapon states to reduce their arsenals and for all states to strengthen trust and confidence through nuclear weapon free zones and transparency.

5. Viet Nam’s President Nguyen Minh Triet called for bilateral, multilateral, and unilateral plans for “early and substantial reductions of nuclear stockpiles” and for negative security assurances; “an early commencement of negotiations on an international nuclear disarmament agreement in which those countries having largest nuclear arsenals must take a leading role in nuclear disarmament;” and urged nuclear weapon states to support the protocol to the Treaty on the Southeast Asia NWFZ.

6. China’s President Hu recommended that all nuclear weapon states fulfill their Article VI obligations; publicly undertake not to seek the permanent possession of nuclear weapons;” continue their nuclear reductions; abandon nuclear deterrence policies based on first use; and commit to firm, unconditional, legally-binding negative security assurances. He also suggested the international

community develop “a viable long-term plan composed of phased actions, including the conclusion of a convention on the complete prohibition of nuclear weapons.”

7. Japan’s Prime Minister Hatoyama called on nuclear weapon states to reduce their arsenals and to disclose information on their arsenals in the interests of confidence-building to create a “virtuous cycle for further nuclear disarmament.”

8. Turkey’s Prime Minister Erdogan called on nuclear weapon states to uphold their “unequivocal undertaking” to “accomplish the total elimination of nuclear weapons” by building on Article VI of the NPT and the 13 practical steps agreed upon in 2000.

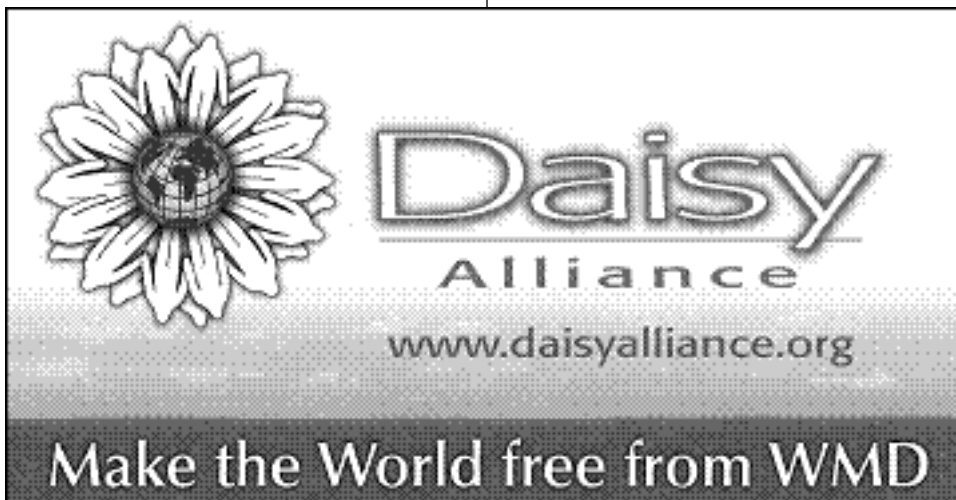
9. Both Turkey and Libya’s representatives called for the establishment of a NWFZ in the Middle East.

10. Ambassador Shalgham of the Libyan Arab Jamahiriya also suggested that the IAEA inspect all states, including those possessing nuclear weapons.

Conclusion

Unfortunately, Resolution 1887 does not reflect any of these suggestions, even though the above states were consulted on the draft text before the Summit. Though the resolution is non-binding, its content will likely be cited in particular by those who gain the most by promoting non-proliferation as disarmament—the P5 nuclear powers—but also by many other governments who look to UN bodies to help guide their policies. Its mere existence makes it a reference point for intergovernmental debate about non-proliferation and disarmament for the near future, which is especially unfortunate as the General Assembly heads into First Committee and as the US administration prepares its Nuclear Posture Review.

Not all hope is lost. Delegations to the First Committee should emphasise in their general and thematic statements the importance of matching 1887’s strong non-proliferation suggestions with equally strong disarmament measures. This would help reframe the intergovernmental debate in a balanced way, illuminating the possibilities for equity and fairness in the international system and inspiring interactive dialogue.



Towards a Fissile Materials Treaty

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Fissile materials are the key elements for nuclear weapons. The simple fission weapons that destroyed Hiroshima and Nagasaki 60 years ago used highly enriched uranium (HEU) and plutonium respectively. The far more powerful thermonuclear (hydrogen bomb) weapons in the arsenals of most nuclear armed states today typically contain both these fissile materials. Controlling these materials has long been seen as central to nuclear disarmament, halting proliferation and, more recently, to reducing the risk of nuclear terrorism.

Controlling Fissile Materials

The effort to control access to nuclear-weapon materials is as old as the effort to make nuclear weapons. During the “Manhattan Project” to build the atomic bomb, it was proposed that the United States try to acquire control of the world’s uranium supplies to stop any other state from having access to the raw material from which fissile materials can be produced.

In January 1946, in its first General Assembly resolution, the United Nations established an Atomic Energy Commission “to deal with the problems raised by the discovery of atomic energy.” The Atomic Energy Commission’s first annual report, issued in December 1946, argued that “effective control of atomic energy depends upon effective control of the production and use of uranium, thorium, and their nuclear fuel derivatives.” However, there was little progress at the time, largely because of the Cold War.

The UN General Assembly took the initiative again in November 1957, proposing a treaty that would include: a) “the cessation of the production of fissionable materials for weapons purposes;” b) “the complete devotion of future production of fissionable materials to non-weapons purposes under effective international control;” and c) “the reduction of stocks of nuclear weapons through a program of transfer, on an equitable and reciprocal basis and under international supervision, of stocks of fissionable materials from weapons uses to non-weapons uses.”

Once again, little progress resulted.

With the end of the Cold War, the UN was able to return to this agenda. In December 1993, the GA adopted a resolution calling for negotiation of a “non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.”

In March 1995, the Geneva-based Conference on Disarmament (CD), the permanent multilateral body for negotiating arms treaties, agreed to these terms as the basis for negotiations on a Fissile Material Cut-off Treaty (FMCT). But many states made clear their concerns about the scope of a possible treaty, including whether and how the treaty would deal with the past and future

production of fissile materials, and the management and reduction of existing stockpiles. Put simply, the nuclear weapon states sought to keep their existing stocks of fissile materials outside the scope of the treaty, while many non-nuclear states wanted the treaty to include a mechanism to reduce these stocks. This conflict was settled by an agreement that even though the status and future of existing stockpiles was not explicitly mentioned as part of the mandate for the talks, states could raise the issue during the negotiations. But in the CD, work on all issues, including the FMCT, stalled.

The commitment to a treaty banning the production of fissile materials for weapons was reaffirmed by NPT states at the 2000 NPT Review Conference. The CD was urged to agree on a programme of work which included an FMCT that would take into consideration “both nuclear disarmament and nuclear non-proliferation objectives” and to adopt a schedule that involved “the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.”

But talks still have not started. Originally, a key block was a dispute between the US and some other countries, notably China, over talks on both nuclear disarmament and prevention of an arms race in space alongside any FMCT negotiations. The US opposed talks on anything other than an FMCT. In 2003, five CD Ambassadors proposed that work on an FMCT proceed in parallel with work on three other issues: talks on 1. a treaty banning nuclear threats directed at non-nuclear weapon states (“negative security assurances” or NSA), and the establishment of ad hoc committees to discuss 2. nuclear disarmament and 3. preventing an arms race in outer space (PAROS). This failed to break the logjam.

In March 2007, the six CD presidents proposed that a way forward could be to appoint four coordinators who would preside over parallel talks on NSA, nuclear disarmament, PAROS, and FMCT. However, only the FMCT talks would aim at producing a legally-binding treaty. There would only be “substantive discussions,” i.e. talks about talks, on the other issues. In May 2009, the CD finally reached consensus on a similar formulation and adopted its first programme of work in a decade. However, it was unable to reach agreement on implementing the programme of work and did not actually begin negotiations before the end of its 2009 session. The effort to organise and start talks will begin again in early 2010.

Faced with the impasse at the Conference on Disarmament, some states and civil society groups have proposed changing the rules of procedure of the CD, including easing the consensus process, and others have suggested looking for an alternative venue, perhaps direct talks among nuclear weapons states. The advantages of the CD are that it is the only forum in which all nine

continued on next page



Fissile Materials Treaty (cont.)

nuclear weapon states are members and have chosen to participate and have agreed on the rules. Going outside it may permit states that are reluctant to begin talks or reach agreement on an FMCT, like Pakistan and Israel, the opportunity simply not to participate.

The Minimum Goals of an FMCT

Given the intense disputes between states over starting talks, it is difficult to predict the structure of any possible FMCT. It is easier to consider what could be the minimal requirements for an FMCT, one that did no more than formalize existing policies and practices. This of course falls short of a comprehensive FMCT that most states and civil society groups wish to see, but would be better than nothing.

A minimal FMCT could aim to prohibit production of fissile material for nuclear weapons or nuclear-explosive purposes by all parties. This would serve to formalize the existing production moratoria among the NPT nuclear weapons states and, if they became parties, the non-NPT nuclear-armed states. This would place all states in the same position as the non-nuclear weapons states in the NPT as regards production of fissile materials for weapons.

How an FMCT could include existing stocks

Some states and many in civil society are concerned that a limited FMCT focused only on ending future production for weapons may serve to stabilize the existing situation of nuclear armed states holding large stocks of fissile materials. They also seek to ensure that nuclear arsenals could not grow by tapping into existing stocks of fissile materials that currently are not in weapons.

The International Panel on Fissile Materials (IPFM), an independent group of arms-control and non-proliferation experts from both nuclear-weapon and non-nuclear weapon states, has proposed a draft treaty that seeks to address some of these concerns. The draft treaty has as its basic undertakings:

1. Each State Party undertakes not to produce, acquire or transfer fissile material for nuclear weapons or other nuclear explosive devices.

2. Each State Party undertakes either to promptly disable and decommission and, when feasible, dismantle its fissile-material production facilities, or to reconfigure and use these facilities only for peaceful or military non-explosive purposes.

3. Each State Party undertakes not to use for nuclear weapons or other nuclear-explosive devices fissile materials:

- i. In its civilian nuclear sector
- ii. Declared as excess for all military purposes
- iii. Declared for use in military reactors.

4. Each State Party undertakes that any reduction in its stockpile of nuclear weapons will result in a declaration of the fissile material recovered from those weapons

as excess for weapon purposes.

5. Each State Party undertakes to accept IAEA safeguards to verify these obligations.

This approach bars the use for weapons of civilian fissile materials, material declared excess, and military reactor fuel reserves. It would not compel reduction of nuclear weapons or weapons-usable stocks, but it provides a mechanism for bringing under safeguards material that becomes excess due to reductions in warheads and stocks dedicated for weapons use. In this way, it further the irreversibility of the disarmament process. As progress on disarmament proceeds, the nuclear weapon and nuclear naval complexes would shrink, and the FMCT monitoring system would converge with the NPT monitoring system and lead in time to a non-discriminatory set of safeguards that applied equally to all states in a nuclear weapon free world.

A fissile material treaty that imposed a requirement of reduction and elimination of materials in warheads and dedicated stocks would directly entail disarmament, and indeed would constitute the core of an abolition regime.

Could an FMCT be Verifiable?

From 2004 to 2008, the Bush administration argued that 'effective verification' of an FMCT cannot be achieved. A draft FMCT provided by the US to the CD in 2006 contained no provision for verification. The Obama administration's decision to pursue a verifiable FMCT overcame that particular blockage and the CD agreed to begin work on a verifiable FMCT in May 2009 (though, as noted above, it did not begin work before the end of the session).

IPFM has argued that an FMCT could be verifiable, and at reasonable cost. All the civilian activities in the nuclear weapons states would be subject to the same IAEA safeguards used in non-nuclear weapon states. These safeguards would also address the problems of ensuring that fissile materials were not diverted from peaceful purposes to nuclear weapons programs and that there were no undeclared fissile-material production activities.

The additional verification challenges would be to determine:

1. that weapon material production facilities were shut down or decommissioned;

2. that fissile material declared excess, but still in weapon-components, was not diverted to weapons purposes; and

3. that material was not diverted from naval fuel to nuclear weapon purposes.

These could be achieved using techniques developed from 1996-2002 as part of the Trilateral Initiative, an arrangement made among the US, Russia and the IAEA, that sought to establish the principles for IAEA safeguarding of classified forms of fissile material from weapons.

There would also need to be a system of managed ac-



A Mine Free World: Mission Possible

Sylvie Brigot | International Campaign to Ban Landmines



When we started campaigning for a ban on antipersonnel landmines in the early 1990s, it was common to hear that a mine-free world was a utopian dream, that a ban on a commonly used weapon was impossible, that mine clearance would take centuries, that mine victim assistance was too broad an issue to be tackled effectively, or that stockpile destruction would cost too much.

A decade of Mine Ban Treaty implementation proved this was wrong. A ban was possible and the humanitarian crisis caused by antipersonnel mines is being effectively addressed. Ten years after the entry into force of the Mine Ban Treaty, 80% of the world's states have joined it, trade of antipersonnel mines is almost non-existent, use has dropped very dramatically, funding is at record levels, and a large amount of land is being cleared annually and returned to productive use.

We believe a mine-free world in our life time is a Mission Possible. But there is still a lot to be done. People still fall victim to landmines every day. Mine survivors are still among the most impoverished groups in every society, they still struggle to make their voices heard and to have their basic rights respected. For mine survivors, for mine-affected communities, the credibility of the Treaty rests on what difference it makes to their lives.

The **Cartagena Summit on a Mine-Free World** (Second Review Conference of the Mine Ban Treaty) will take place in Colombia in the week of 30 November 2009. The Summit is the time for states to clearly show their determination to live up to the commitments they have made to survivors, their families, and communities still living in the fields of death. It is an opportunity to revitalize and reinvigorate our work on the Treaty while recommitting ourselves to the road ahead.

The International Campaign to Ban Landmines encourages all states to:

Come. Participate in the Cartagena Summit at the highest level possible: Head of State/Government, State Secretary, or ministerial level. Such high level participation will show that the states continue to place a high priority on ridding the world of antipersonnel mines and that they will give full political support to the outcome of the Summit.

Share. Announce in Cartagena significant recent accomplishments made on any of the Treaty obligations, or towards joining the Mine Ban Treaty. In this way, it will be clear that states' efforts are continuing at full pace and that the Treaty is heading in the right direction.

Commit. Arrive in Cartagena with a pledge to undertake one or more actions in the coming years to move toward fulfilling specific Treaty obligations or joining the Treaty, or supporting other states in their efforts to do so. This will demonstrate states' long-term and serious commitment to the Treaty.

Care. Stay passionate and fully committed to the Treaty until the promise of a mine-free world becomes a reality.

Voting in favour of the UN General Assembly resolution on the implementation of the Mine Ban Treaty is a public sign of support for the goal of eliminating the suffering caused by antipersonnel mines. The Inter-



Landmines still affect 70 countries throughout the world. © ICBL

continued on next page



Mine Ban Treaty (cont.)

national Campaign to Ban Landmines calls on all states, party or not party to the treaty, to express their support at the time of the vote. For states not party, voting in favour of the resolution can be a step toward the eventual elimination of all antipersonnel mines.

Indeed, several states not party to the Mine Ban Treaty have voted in favour of the resolution in previous years. Even countries that do not feel ready to accede now can take this proactive step. Such expression of support would be particularly significant in this pivotal year marking ten years of the treaty's entry into force at the Cartagena Summit.

The Cartagena Summit on a Mine-Free World will be a special moment in the life of the Mine Ban Treaty and we – governments and civil society alike – must do all we can to ensure a successful outcome. This starts in New York with a vote in favor of the UN General Assembly resolution on the Mine Ban Treaty. It continues in Cartagena, where we must lay out a clear path towards a world without antipersonnel landmines and with full respect for the rights of mine survivors. We firmly believe that such a world is achievable with enough creativity, energy, and resources.

Sylvie Brigot is the Executive Director of the International Campaign to Ban Landmines.

**Lunchtime Briefing on the
Mine Ban Treaty
13.00-15.00
Friday, 23 October 2009**

**Room IV (Plenary Room)
United Nations, New York**
Lunchboxes will be provided

**Sponsored by Switzerland
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Fissile Materials Treaty (cont.)

cess for inspectors to nuclear weapons sites and military reactor fuel facilities, such that host states could protect sensitive information while allowing inspectors to ensure that there was no covert fissile material production. Similar practices were successfully developed as part of the Chemical Weapons Convention. These could all be negotiated as part of the FMCT, or developed in parallel by the IAEA with states as was the case with the safeguards under the Non-Proliferation Treaty. In sum, the verification of an FMCT need not be much more difficult than verifying the nuclear Non-Proliferation Treaty.

Conclusion

A verified fissile materials treaty that banned future production for weapons and brought under safeguarded all existing stocks outside weapons or reserved for weapons would be very much worth having. Along with the CTBT, it would help accustom nuclear possessor states to universal regimes with intrusive verification. In addition to restraining arms racing in South Asia, such a treaty would help build a stable framework for reduction and elimination of warheads and fissile material stocks; meet a key NPT commitment; institutionalize one of the basic pillars of a nuclear weapons-free world; and help secure fissile materials worldwide.

Resources

[A Fissile Material \(Cut-Off\) Treaty : A Treaty Banning the Production of Fissile Materials for Nuclear Weapons or Other Nuclear Explosive Devices \(with article-by-article explanations\)](http://www.fissilematerials.org/ipfm/site_down/fmct-ipfm-sep2009.pdf), September 2009

http://www.fissilematerials.org/ipfm/site_down/fmct-ipfm-sep2009.pdf

[Global Fissile Material Report 2008: Scope and Verification of a Fissile Material \(Cutoff\) Treaty](http://www.fissilematerials.org/ipfm/site_down/gfmr08.pdf), September 2008

http://www.fissilematerials.org/ipfm/site_down/gfmr08.pdf

[Banning the Production of Fissile Materials for Nuclear Weapons: Country Perspectives on the Challenges to a Fissile Material \(Cutoff\) Treaty Companion Volume to Global Fissile Material Report 2008](http://www.fissilematerials.org/ipfm/site_down/gfmr08cv.pdf), October 2008

http://www.fissilematerials.org/ipfm/site_down/gfmr08cv.pdf

Zia Mian is a research scientist and the director of the Program on Science and Global Security's Project on Peace and Security in South Asia. He is a member of the core staff of the International Panel on Fissile Materials (www.fissilematerials.org). Part of this article, written in a personal capacity, originally appeared as "Towards a Fissile Material Treaty," Disarmament Times, Summer 2007. Used with permission. Updates have been provided by the author. The recommendations section did not appear in the original.





The Convention on Cluster Munitions: Rapidly Entering Into Force

Allison Pytlak | Religions for Peace

In December 2008, the Convention on Cluster Munitions (CCM) opened for signature. Considered the most significant disarmament treaty in more than a decade, the CCM created a new global norm with far reaching impact and a strong humanitarian focus. Less than one year later, it is expected that the Convention will soon enter into force and begin changing lives as an important and transformative piece of international law.

The fundamental provision of the treaty is its ban on the use, production, stockpiling, and transfer of cluster munitions. This makes it illegal for every country that joins the Convention to use cluster munitions or engage in any production or trade of the weapon. At the centre of the agreement is a strong and clear definition of what a cluster munition is. This definition includes all weapons with explosive sub-munitions, thereby placing a prohibition on an entire category of weapons—a noteworthy achievement, comparable to the bans on anti-personnel landmines and chemical and biological weapons.

The CCM sets the highest standard to date in international law for assistance to victims, defined as all persons directly impacted by cluster munitions as well as their affected families and communities. States parties are obliged to provide assistance to cluster munition victims including medical care, rehabilitation, and psychological support and to assist social and economic inclusion. By requiring nations to destroy all stockpiles within 8 years and clear contaminated land within 10, there exists the means to prevent future incidents and new victims.

The Convention came about through a close collaboration between states, international organizations, and civil society. States attempted to address the problem of clusters through the traditional disarmament forum, the Convention on Conventional Weapons (CCW), but this failed. More progressive states then reverted to a fast-track diplomatic process called the “Oslo Process” that enabled substantial progress in a short amount of time. They focused on achieving a treaty that put humanitarian concerns and human security first, turning the traditional definition of security on its head.

The Convention will have an impact even on those who have not signed, in two distinct ways. First, states parties must tell their partners in joint operations of their treaty obligations and discourage their non-signatory partners from using cluster bombs. To illustrate, consider that while many NATO states have signed this agreement, some have not. The implication is that these states may now have to work alone in missions where they foresee cluster bombing to be a possibility, or pull out of joint NATO training exercises because they operate on fundamentally different rules of engagement from their allies. Second, the ban reinforces a stigma on the use of this weapon; they have been branded as inhumane and

indiscriminate. This has been publicly acknowledged even by those states who have not engaged in the Oslo process. That these same states continue to pursue a solution to address this weapon in the CCW—albeit a less stringent solution—is further evidence that few continue to see this weapon as an acceptable and viable option.

The Convention currently has 100 signatories. 21 states have already ratified it, and the 30 ratifications which are needed in total for it to enter into force will likely be obtained by the end of the year. This means the Convention could potentially enter into force by mid-2010, less than two years after it opened for signature!

In addition to a swift entry into force, there are other early accomplishments to take note of. Consider that a total of the 35 countries that have previously used, produced, stockpiled, or exported cluster munitions have signed the Convention and are now committed to never engage in those activities again. Fourteen of the countries that have been affected by cluster munitions have signed, including some of those most severely contaminated, such as Afghanistan, Laos, and Lebanon. Over the past year, Spain has completely destroyed its stockpiles, and others have started, including Austria, Belgium, Chile, Colombia, Germany, Netherlands, Norway, and the United Kingdom. Since 2006, unilateral moratoriums on use—and some also on production and transfer—have been declared by Norway, Hungary, Netherlands, Croatia, Bosnia-Herzegovina, Bulgaria, and Spain. Others have begun the processes for national ban legislation.

The United Nations has always been an integral supporter of the Convention and now plays an increasingly important role as its depositary. During the opening days of the 2009 UN General Assembly, Cyprus and Saint Vincent and the Grenadines signed the treaty in New York, while high-level representatives from Burundi, France, Malta, and Uruguay deposited their respective instruments of ratification. Another opportunity to sign or ratify in a public way will be on 21 October, when the UNDP hosts a special side event for this purpose. We urge all governments to participate by signing or ratifying at that time, or delivering updates on the status of the Convention in their countries. It is also an opportunity to learn more about the practical procedures related to signature and ratification that are relevant to diplomats based in New York. Such openness and transparency will be a vital part of the Convention’s future success.

We look forward to hearing positive statements of support from all governments throughout this year’s First Committee meetings. To ensure that the strong words of the treaty’s text are translated into even stronger actions will require determination and continued partnership between the United Nations, governments, international organizations, and civil society.