Reaching Critical Will’s

GUIDE TO THE
CONFERENCE ON DISARMAMENT

2012

Part One: 23 January–30 March
Part Two: 14 May–29 June
Part Three: 30 July–14 September

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

1, Rue de Varembé
1211, Genève, Switzerland
Tel: 022 919 70 80
Fax: 022 919 70 81
info@reachingcriticalwill.org
http://www.reachingcriticalwill.org
Introduction

The Conference on Disarmament (CD), based in Geneva, Switzerland, is mandated to negotiate multilateral disarmament treaties. Past successes of the CD include such multilateral disarmament treaties as the Chemical Weapons Convention, the Biological and Toxin Convention, and the Comprehensive Test Ban Treaty (CTBT). However, since negotiations on the CTBT concluded in 1996, the CD has not been able to resume serious substantial work and critical issues on its agenda have been left unresolved, much to the peril of international security. This means that non-government organization (NGO) attention to this body is needed more than ever.

During 2011, the international community showed an increased frustration over the stalemate in the CD. While this multilateral body has struggled to adopt and implement a programme of work for a very long time, other disarmament efforts around conventional weapons and the arms trade have proceeded through alternative processes. This has been reflected in the CD and increasing discussions have been conducted throughout 2011 on how to either revitalize this multilateral forum or move negotiations outside of the CD. A promising attempt to unblock the stalemate was made at the General Assembly’s First Committee in 2011, where Austria, Mexico, and Norway tabled a draft resolution “Taking forward multilateral disarmament negotiations” which would set up negotiating mechanisms through the General Assembly. However, once it was clear that the resolution would not gain enough support, it was withdrawn. Instead, another resolution called “Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations” was put forward and adopted by consensus. While it does call on states to “explore, consider and consolidate options, proposals and elements for a revitalization” of the CD, it does not put into motion any concrete measures and leaves the decision on commencing substantive work with the 65 member states.

As we move into the 15th consecutive year without substantive work, time is running out for the CD. While the institution has delivered multilateral disarmament treaties in the past, it does not seem to be able to meet the needs of multilateralism today. No matter the reasons for the stalemate, a well-functioning multilateral disarmament machinery should be designed to work in all conditions. Complicated negotiating environments and opposing positions exist in all areas of international relations; solutions must be found for complex problems rather than simply allowing them to continue indefinitely.

The 2012 session of the CD cannot continue with business as usual. This year, member states need to take up substantive work on the issues on the CD agenda; within the CD or outside.

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

You can also subscribe to Reaching Critical Will’s CD Report, which provides short, timely, informative reports on every plenary meeting of the Conference. To subscribe, visit www.reachingcriticalwill.org.

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

Beatrice Fihn
Project Associate, Reaching Critical Will
January 2012
General information about the CD

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

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

ACCESS: The CD holds at least one public plenary per week that it is in session. In 2004, the CD took its first decision on NGO access, officially formalizing access to open debates. In addition, the 2004 decision permits NGOs to submit documents as official documents of the Conference, and allows NGOs to present their documents (at their own expense) twice annually in front of the CD chamber. In 2009, for the first time, NGOs were allowed to address the Conference during an informal meeting and in 2010 Reaching Critical Will delivered the first NGO statement to the Conference in a formal plenary meeting on International Women’s Day.

PRESIDENTS: Each year, the CD has six Presidents (the P6). For 2012, the P6 will be Ecuador, Egypt, Ethiopia, Finland, France, and Germany. In 2006, the P6 began coordinating their presidencies to serve the CD more efficiently. This initiative has led to smoother transitions between monthly presidential rotations.

NEGOTIATIONS: When the CD is ready to begin negotiating a treaty, a working group or ad hoc committee is established and continues meeting until the text is finalized. The whole Conference must agree by consensus on decisions like establishing working groups.

RECENT PAST EFFORTS: In 1998, the CD agreed to a fissile material cut-off negotiating mandate, but only established a working group with the mandate to negotiate such a treaty in 2009. The working group was unable to commence negotiations in 2009, and in 2010 and 2011 the member states again disagreed on the mandate.
CD Groups

There are a number of groupings among countries within the CD. Some of these work in cooperation with each other on specific issues rather than unilaterally. They usually meet at least once a week when the CD is in session, in a closed, informal meeting. Civil society has no access to these meetings and there is no transparency in their decision-making.

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

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

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

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

**Informal Group of Observer States**

Every year non-members can participate in the work as observers to the CD. They have the right to attend meetings of the CD ad hoc committees, and can speak, circulate papers and make contributions, but cannot deny consensus on any issues. They have to renew their status as non-member participant states each year whereas CD members maintain their status permanently.

In 2010 some of the active Observer States organized themselves in an Informal Group of Observer States in order to increase their coordination and advocate for expansion of the membership of the Conference.
CD Agenda

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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

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

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

2004. The CD engaged in informal plenaries to assist its work, however it was ultimately unable to reach agreement on a programme of work. It did, however, reach consensus on formalizing and enhancing NGO access and participation in the CD.

2005. The President of the CD in March circulated a “food for thought” non-paper, based on the A5 pro-
posal, establishing ad hoc committees for each of the CD’s four priority issues and providing for negotiations on a fissile materials treaty. The final session’s President circulated a similar paper. Neither proposal gained consensus.

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

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

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

2009. On 29 May 2009, the CD succeeded in adopting a programme of work for the first time since 1998. The programme included agreement to begin negotiations on a fissile cut-off treaty on the basis of the Shannon mandate. It also included agreement to begin substantive discussions on the CD’s three other core issues. Regrettably, the Conference was unable to adopt a framework to implement its programme before the end of the 2009 session, primarily due to reservations by Pakistan (see below for details). As a result, the CD did not actually manage to engage in substantive work, once again.

2010. After another fruitless session, the CD failed to adopt a programme of work in 2010 due to Pakistan’s opposition of negotiating a FMCT based on the Shannon Mandate. Frustrated with the lack of progress, the UN Secretary-General Ban Ki-moon convened a high-level meeting on revitalizing the CD on 24 September in New York. On the occasion of the International Women’s Day on 8 March, the Women’s International League for Peace and Freedom delivered the first statement in a formal plenary meeting from a non-governmental organization.

2011. Although the CD held extensive discussions on a programme of work and the four core issues, how to get the CD back to work was the main concern for member states throughout the 2011 session. At the request of 49 member states, the UN General Assembly convened three plenary meetings on 27-29 July 2011 under agenda item 162, entitled “Follow-up to the high-level meeting held on 24 September 2010: revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations.” Despite several efforts, no progress was reached during the 2011 session.
Summary of Critical Issues

Programme of work
In 2009, the six presidents of the CD tabled draft decision CD/1864, a comprehensive programme of work, substantially from the other recent proposed programmes of work in 2007 and 2008. CD/1864 establishes working groups on the four core issues and special coordinators on the other three agenda items. It calls, *inter alia*, for negotiation of a fissile materials treaty on the basis of the 1995 Shannon Mandate, for recommendations for dealing with negative security assurances, and for an “exchange of views and information on practical steps for progressive and systematic efforts to reduce nuclear weapons with the ultimate goal of their elimination, including on approaches toward potential future work of multilateral character.”

While the vast majority of CD member states expressed their support for this document, many also noted its many imperfections. Some delegations would like to see negotiations start simultaneously on all four core issues, while others think this would be impossible. However, Pakistan is still the only delegation publicly stating that they will not join consensus. Similar programmes have been proposed such as CD/WP.559 and CD/1889. None of these proposals were able to achieve consensus either.

More information

CD/1864

CD/WP.559

CD/1889

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

In December 1993, the UN General Assembly adopted by consensus a resolution recommending the negotiation of a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Early on, the issue of existing stocks blocked consensus on the negotiation of a Fissile Material Cut-off Treaty (FMCT) in the CD. Some states, such as those belonging to the Non-Aligned Movement, believe that a cut-off level should include fissile materials already produced and stockpiled. Others, such as the United States, United Kingdom, and Japan, favour a future-production cut-off. Some states also think an FMCT should include management of existing fissile material, not only a ban on production.

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

All of the states parties to the nuclear Non-Proliferation Treaty (NPT) endorsed the immediate commencement and early conclusion of FMCT negotiations at the 1995 and 2000 NPT Review Conferences. The negotiation of an FMCT was agreed as one of the 13 practical steps towards disarmament at the 2000 NPT Review Conference (for more information, see www.reachingcriticalwill.org/legal/nptindex1.html).

For several years, China and Russia insisted that starting work on the prevention of an arms race in outer space (see below) be linked to starting work on an FMCT. In August 2003, China and Russia broke from this position, agreeing to go forth with FMCT negotiations based on the Shannon Mandate.
The controversial issues surrounding the FMCT are verification and stockpiles. In 2004, the US stated that an FMCT could not be verifiable, something most other states disagreed with. However, in 2009, the Obama administration reversed its position and agreed to a programme of work that included negotiations of an FMCT on the basis of the Shannon Mandate - which would include verification. Most nuclear weapons possessors agree that a FMCT should be a simple cut-off, and not deal with existing stockpiles of fissile material for weapons purposes. However, many other states and civil society believe that the scope should include stockpiles.

Despite a brief moment of agreement on a negotiating mandate for an FMCT in 2009, Pakistan blocked the actual commencement of negotiations for the remainder of the session. In 2010, the Pakistani position on a FMCT hardened and it could no longer support negotiations based on the Shannon mandate.

The Pakistani delegation in the CD assert that a fissile materials treaty which does not address existing stocks will “freeze existing asymmetries” that threaten Pakistan’s security and is therefore unacceptable. This is undoubtedly a manifestation of Pakistan’s concern with regional rival India. India not only has a much larger stockpile of weapons-grade nuclear material, but has also entered into a nuclear cooperation agreement with the United States which allows it to import nuclear fuel from the US for energy purposes, thereby freeing up fissile material produced domestically to potentially be used for military purposes. Therefore, Pakistan oppose any programme of work that involves negotiations of fissile materials based on the Shannon mandate.

This opposition continued during the 2010 First Committee meetings, where there was nothing to indicate that the impasse on this issue would be broken. Canada’s 2010 resolution entitled “Treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices”—a virtually identical version of the resolution it tabled during 2009—was adopted by a vote of 163-1-2, but Pakistan continued to oppose plans to begin negotiations without preconditions. Moreover, Pakistan also voted against any reference to negotiations of an FMCT in the CD in any other resolutions tabled at First Committee.

The 2011 Session followed the same pattern as previus years. In February 2011, along with CD plenary discussions on an FMCT, Australia and Japan co-hosted a first round of expert-level talks seeking to define key aspects of a treaty, including what would be considered fissile material and what constitutes production of that material. These events were arranged in order to “build confidence about FMCT and momentum towards FMCT negotiations in the CD on the basis of CD/1299 and the mandate contained therein.”

Search Statements by topic in our search function, to find out more about FMCT
www.reachingcriticalwill.org/documents/statements

Perspectives in the 2011 First Committee

Shannon Mandate

NGO Resources
Institute for Science and International Security: www.isis-online.org/
International Network of Engineers and Scientists Against Proliferation: www.inesap.org/
International Panel on Fissile Materials: www.fissilematerials.org/
Reaching Critical Will: www.reachingcriticalwill.org/resources/fact-sheets/critical-issues/4737-fissile-material-cut-off-treaty

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

China and Russia have traditionally maintained that the early establishment of an ad hoc committee is necessary to start substantive work on PAROS, with a view to concluding a more effective international treaty on this issue at an early date. They have submitted numerous papers on relevant issues, including verification aspects and existing international legal instruments. In 2007, they revised and submitted their PAROS working paper CD/1679 for the third time. During 2007-2009, substantive discussions were held on the PAROS in the CD, which resulted in calls for a treaty to prevent the placement of weapons in outer space (PPW) rather than a treaty on PAROS, in order to escape the “linguistic and philosophical debate” associated with the term PAROS. The discussions also produced interest in developing “best practices” or “rules of the road” for safe and responsible space operations, and transparency and confidence-building measures that could complement future international legal instruments regarding space security.

On 12 February 2008, Russia and China introduced a draft PPW treaty to the CD. Introducing the text, Russia’s Foreign Minister Sergey Lavrov explained the draft treaty is designed “to eliminate existing lacunas in international space law, create conditions for further exploration and use of space, preserve costly space property, and strengthen general security and arms control.” The draft treaty specifies that states parties would undertake not to place in orbit “any objects carrying any kind of weapons,” not to install them on celestial bodies or other space structures, not to use or threaten to use force against outer space objects, and not to encourage any other parties to do so.

Outside of the CD, several developments both fostering and undermining space security have occurred. In January 2007, China tested an anti-satellite weapon against one of its own ageing weather satellites. The United States, while condemning the test, forged ahead with several space and missile defence projects with dual-use capabilities and tested its own anti-satellite weapon in February 2008.

A few positive steps have happened outside of the CD. In 2007, the UN Committee on the Peaceful Uses of Outer Space and the General Assembly adopted debris mitigation guidelines and several states submitted proposals on space security to the Secretary-General pursuant to GA resolution 61/75. Since 2004, the United Nations Institute for Disarmament Research has held seminars in the CD chamber on space security issues. These conferences have generated food for thought, and promoted informal, confidence-building dialogues. The European Union released a voluntary code of conduct for outer space activities in 2009.

In July 2010, the Obama Administration released the new US National Space Policy. It states that the US shall pursue bilateral and multilateral transparency and confidence-building measures to encourage responsible action in, and the peaceful uses of, space. The new policy also notes that the US will consider proposals and concepts for arms control measures if they are “equitable, effectively verifiable, and enhance the national security of the US and its allies.” The language in this new policy suggests that this is a significant departure from its predecessor. However, the actual implications of this change are still unknown. The US has also changed position at the UN General Assembly, where it no longer votes against the annual resolution on PAROS but chose rather to abstain together with Israel. All other countries in the world votes in favor.

More information

Search Statements by topic in our search function, to find out more about PAROS
www.reachingcriticalwill.org/documents/statements

China-Russia draft treaty on preventing the placement of weapons in outer space

Perspectives in the 2011 First Committee
Nuclear Disarmament

Many members of the CD have openly expressed their wish that the CD undertake multilateral negotiations in this area. The states made calls at the 2000 NPT Review Conference to establish a subsidiary body in the CD to deal with nuclear disarmament. Article VI of the NPT requires the five recognized nuclear weapon states to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament,” and in 1996, the International Court of Justice found that the nuclear weapon states have an obligation to negotiate and complete a treaty banning all nuclear weapons. A Model Nuclear Weapon Convention, developed by nuclear disarmament experts and analysts, has been submitted to the NPT and the General Assembly by member states, and has also been submitted by NGOs as an official document of the CD. In 1995, the General Assembly adopted resolution 50/70P, which called on the CD to establish an ad hoc committee to negotiate a phased programme of nuclear disarmament and eventual elimination of nuclear weapons within a time-bound framework. NATO and European states opposed this resolution; Russia abstained.

Unfortunately, the CD has never established a subsidiary body to deal with nuclear disarmament. Nuclear weapon states claim reductions in nuclear arms should be carried out directly by the states that possess them, in view of the many complexities involved. In contrast, many non-nuclear weapon states argue, as Egypt did in 2007, that the “emphasis on arms control and the bilateral efforts ... cannot be regarded as alternative to the implementation of the commitment contained in Article VI ... We would like to reiterate the centrality of the 13 practical steps [outlined in 2000 Review Conference of the NPT to implement Article VI] which in our view, represent an internationally endorsed roadmap to fulfill the obligation of nuclear disarmament.”

Nuclear disarmament was included as a topic for substantive discussion in CD/1864.

More information

Search Statements by topic in our search function, to find out more about Nuclear Disarmament
www.reachingcriticalwill.org/documents/statements

Perspectives in the 2011 First Committee

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

Negative Security Assurances

Negative security assurances (NSAs) constitute promises from nuclear weapon states to non-nuclear weapon states that they will not use nuclear weapons against them. Currently, the only assurances that exist are not legally-binding, such as unilateral declarations contained within nuclear weapon free zone treaty protocols and in Security Council Resolution 984 (1995).
The Non-Aligned members of the CD (the G-21) increased their demands for a legally-binding instrument after the completion of the CTBT negotiations and the extension of the NPT in 1995. Most non-nuclear weapon states continue to demand legally-binding assurances, although the context remains a debate. Some states argue legally-binding assurances should be negotiated at the CD; others, such as those in the New Agenda Coalition, argue that NSAs should only be given to and by states parties to the NPT. In 2007, New Zealand argued there are many complications in negotiating legally-binding NSAs in the CD, such as “the potential conferring of the status of Nuclear Weapons States on all of the States that possess nuclear weapons” if they are bound to give legally-binding assurances under a treaty.

The NSA ad hoc committee, while re-established in 1998, has not yet met. Substantive discussions on NSAs were included in CD/1864.

More information

Search Statements by topic in our search function, to find out more about NSA
www.reachingcriticalwill.org/documents/statements

Perspectives in the 2011 First Committee

NGO Resources
Reaching Critical Will: www.reachingcriticalwill.org/resources/fact-sheets/critical-issues/5442-negative-security-assurances
Verification, Research, Training and Information Centre (VERTIC): www.vertic.org/

Radiological Weapons
The CD also has on its agenda the negotiation of a ban on radiological weapons, a new type of weapon of mass destruction that could disperse radioactive materials without a nuclear explosion. Such weapons could include waste material from non-military nuclear applications such as spent reactor fuel.

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

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

More information

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

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

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

More information
UN Transparency in Armaments
www.fas.org/nuke/control/untia/index.html

UN Register on Conventional Arms
http://disarmament.un.org/cab/register.html

NGO Resources
Arms Trade Resource Center: www.worldpolicy.org/projects/arms/index.html
RCW’s Model Nuclear Inventory: www.reachingcriticalwill.org/resources/publications/5472-model-nuclear-inventory-2007

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

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

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

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

Monitor the CD sessions through the Reaching Critical Will website, and react to what your government does or does not say. Subscribe to RCW’s free weekly email reports on the CD by emailing info@reachingcriticalwill.
Moving Forward

Going in to the 2012 Session of the Conference on Disarmament (CD), the frustration among CD member states is high. Most states that took the floor during the 2011 session of both the CD and the General Assembly were disappointed with the lack of progress. During the last couple of years, frustration has grown stronger when the CD has showed no signs of moving forward. As a consequence, CD members have raised concerns about the CD’s ability to address the security needs of the international community. The 2011 First Committee showed a glimpse of hope during its first weeks when two resolutions were tabled, with the common goal that, if the CD does not resume work during its 2012 session, measures would be taken outside the CD. These efforts were undermined and eventually withdrawn or amended when a majority of UN member states seemed to want to keep multilateral negotiations inside the CD.

The 2012 session will start off with a great uncertainty. While measures taken during 2011 did not contribute to the CD resuming disarmament negotiation, they showed that some members of the international community are getting ready to move towards alternative actions. The hope for 2012 will rest on the renewed efforts of the CD members and the upcoming six presidents, Ecuador, Egypt, Ethiopia, Finland, France, and Germany.

The General Assembly: As stated in the Final Document of the First Special Session on Disarmament (SSOD I), “The General Assembly has been and should remain the main deliberative organ of the United Nations in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures.” After the member states of the CD themselves, the responsibility for the work mandated to the CD lies with the General Assembly. Therefore, the General Assembly could establish a parallel process until the CD adopts a programme of work, as per the draft resolution proposed by Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden in 2005. In this configuration, the General Assembly could establish open-ended ad hoc committees on the four core issues on the CD’s agenda. The mandates of the four core issues could be based on the most recent proposals for a programme of work within the CD, or alternative mandates could be explored. Recent progress made around the Arms Trade Treaty provides additional evidence of the General Assembly as a useful forum for launching negotiations.

Free-standing negotiations: Inspired by the Ottawa and Oslo Conventions, member states frustrated with the deadlock could initiate a separate process outside the UN framework. The topic of anti-personnel landmines were discussed in the CD during the 1990s, but taken outside and proceed when agreement within the CD wasn’t possible. While some of the issues on the CD agenda, for example nuclear disarmament, might be different than landmines and cluster munitions, a norm-setting negotiations process—or even a preparatory process—could make progress in delegitimizing nuclear weapons and encourage concrete steps forward. There are of course potential problems to taking negotiations outside of the CD and especially with taking them outside a UN framework altogether. The UN tries to ensure that all states have a voice, that the will of the powerful cannot override the will of the majority. There are also capacity issues associated with taking negotiations outside of established bodies that have secretariats, facilities, resources, and historical knowledge at their disposal. Before launching an alternative process, those involved must carefully consider if the negotiations will likely lead to a stronger or weaker treaty. Is a weak treaty better than no treaty at all? Are there other ways to move forward that would result in negotiations besides leaving the CD?

Reform of the disarmament machinery: The CD’s way of operating and its rules of procedure have remained the same since its creation in 1979. Other mechanisms in the UN have undergone reforms and attempted to adjust to a new international world order, but the consensus rule has prevented the CD from doing the same. If a reform would take place within the CD, it would need the agreement of all 65 member states. Considering the difficulties to agree on anything at the CD, this seems unlikely. Aside from reform within the CD, another SSOD might be able to reform the disarmament machinery. Attempts to convene a SSOD IV have been made for many years, but resistance from some nuclear weapons states has stalled the process. At a SSOD IV, decisions would be taken by a 2/3 majority, but there is no guarantee that an outcome would be reached. SSOD II (1982) and SSOD III (1988) failed to reach any substantive agreements.
As the CD moves into its fifteenth consecutive year without work, whatever solution is attempted to break the deadlock around multilateral disarmament negotiations must coincide with a reform of the concept of security. By remembering who and what a state should protect, we can move towards a more comprehensive view of disarmament—one that is based on human security rather than military security. Human security cannot be brought about through nuclear weapons and military might. In order to protect the people, governments and civil society must critically analyze the practical security requirements of ordinary people, such as adequate food, shelter, clean water and air, health care, and education. Governments and their diplomats in the Conference on Disarmament must take into consideration such comprehensive views of security in order to efficiently carry out work towards disarmament and peace.

Reaching Critical Will Resources on the Conference on Disarmament

RCW monitors and collects all statements delivered to the CD and posts them on our website at http://reachingcriticalwill.org/disarmament-fora/cd/2012/statements

We offer a free, weekly reporting service for all those interested in the CD. These reports are available through an email subscription service, and are posted on our website at http://reachingcriticalwill.org/disarmament-fora/cd/2012/reports

You can find all press releases from the United Nations at www.unog.ch, under the News & Media tab

Search for Statements by Year, Country, Forum and Topic in our search function, available at http://reachingcriticalwill.org/documents/statements

This booklet, the Reaching Critical Will Guide to the CD, can be found online at http://reachingcriticalwill.org/images/documents/Disarmament-fora/cd/cdbook2012.pdf

Other background information on the Conference can be found at http://reachingcriticalwill.org/disarmament-fora/cd

Governmental Contact Information for Permanent Missions in Geneva is at http://reachingcriticalwill.org/resources/government-contacts

All CD Resources can be found at http://reachingcriticalwill.org/disarmament-fora/cd