

First Committee 2012 civil society presentations

Disarmament machinery

As many member states have pointed out during this Committee's meetings, the Conference on Disarmament (CD) has just ended yet another year without any substantive work. The Disarmament Commission flounders. The arms trade treaty negotiations held in July failed to reach agreement even on a significantly watered-down text. Even where agreement has been reached, such as the small arms review conference in September, the contents are weak or perfunctory—especially considering the non-legally-binding nature of the Programme of Action.

What is the common denominator at all of these fora and processes? The rule of consensus.

When ordinary people think of the word “consensus,” we conjure up images of effective and concerted action, people, and institutions committed to forward movement to solve some of the most intractable problems plaguing local communities or the community of nations. Sadly, as many of you know from the long hours you spend in often frustrating meetings on disarmament and arms control issues, “consensus” at the UN is often more a barrier to commitment than the engine of its development.

During the past fifteen years of deadlock in the CD, countless diplomats have come and gone. Their farewell statements are typically full of laments and frustration at what might have been. Many have invested incredible efforts in the CD, employing all their skills of practical diplomacy to overcome the challenges of the stalemate. Their governments have spent millions in tax-payer revenue to fund their posts. But their efforts have been fruitless as the rule of consensus has solidified into a veto.

Some in civil society along with governments have repeatedly warned that blind faith in, and strict interpretation of, the consensus rule have badly damaged UN-affiliated disarmament machinery. The use of the consensus rule in combination with lack of political will has ensured that no real negotiations are taking place. Red lines never need to be tested or pushed.

The blame for failure to achieve consensus in these meetings is usually placed on the so-called “spoilers” or “blockers”. However, the “spoilers” are usually those that benefit from the status quo in some way and/or that are suspicious of the international community setting norms and rules that could affect the way they conduct business.

The failure to reach agreement or truly substantive outcomes in each of these processes privileges the interests of each of those states that do not want to eliminate their nuclear weapons, that want to preserve the possibility of putting weapons in space, that want to continue to buy or sell conventional arms regardless of their intended or probable use, that that don't want stricter regulation of the licit arms trade or to combat the illicit trade in small arms and light weapons. The current stalemates therefore only further the interests of the very few.

While some governments argue that the rule of consensus protects their security interests, it in fact functions to *undermine* the security of the majority—both governments and peoples—that must rely on the rule of law rather than the balance of terror to protect them. In the CD, for example, the nuclear weapon possessors are the only states using the rule of consensus as a veto. Thus it protects those that possess nuclear weapons, which they use as an instrument of power in their relations with other states.

This state of affairs negates a basic principle of the UN and especially its General Assembly—the sovereign equality of states—by allowing the interest of one or more states trump the interests of all the others. The proper exercise of sovereign choice is when a state decides whether or not to adhere to an international agreement, not in being allowed to prevent that agreement from ever being achieved.

This misuse of consensus also results in increased investment in military-industrial complexes. The trend of growing military expenditure has been rightly criticized by many delegations at this session of First Committee, but many of these same delegations do not support initiatives to get the CD back to work or to negotiate an arms trade treaty without a unanimous consensus rule. Without multilateral development of the rule of law on disarmament and arms control, the nuclear weapon possessors and other major arms producers and exporters will continue to pour massive funds into weapons and war while poverty and inequality increase throughout the world. The militaries and weapons industries will continue to consume the resources that could otherwise be spent on developing viable mechanisms for collective security and socioeconomic development.

The current situation also undermines the protection of civilians, not to mention civil society's capacity to engage on behalf of the citizens of these sovereign states. What protection do ordinary people threatened by the existence of nuclear weapons, the use of conventional weapons, and situations of armed violence have? How do they exercise their right to protect their security interests? Is there a way for civil society to participate more substantively in UN disarmament and arms control processes? It has been possible outside of the UN—why not inside?

Creativity and new approaches must be a requirement from all those states that say they are in favour of nuclear disarmament or an arms trade treaty. Continued discussion on whether or not the problem is the machinery itself or lack of political will is pointless. Many states do not seem interested in changing the status quo and the existing machinery is incapable of pushing ahead. This cannot be used as an excuse to do nothing. It is not acceptable to sit back and wait for political will to magically appear.

Unanimous agreements are important to strive for, but cannot be a pre-condition that prevents any progress for decades. Moving forward outside deadlocked fora to advance disarmament and protection of civilians is not to undermine the international system. At this point, it's the only way to protect the security interests of the ordinary people everywhere that are being threatened by the status quo. Given the plethora of current disarmament and arms control challenges demanding urgent action, the UN machinery must evolve or it will eventually—soon—become obsolete.

There are a few resolutions at this First Committee that attempt to stimulate progress and move disarmament processes forward.

Austria, Mexico, and Norway have tabled a resolution that calls for the establishment of an open-ended working group that would convene in Geneva for up to three weeks during 2013 in order to “develop concrete proposals to take forward multilateral negotiations for the achievement and maintenance of a world without nuclear weapons.”

This is a strong option for moving forward with multilateral nuclear disarmament: it meets the demand of the vast majority of governments for tangible work on this issue and it is in fact a more robust multilateral option than any that could be offered within the confines of the CD, where only 65 governments can participate. An open-ended working group would invite the full participation of all UN member states.

The NAM have called for a high-level meeting on 26 September 2013 in the margins of the next General Assembly session. While it will good to bring the same high-level attention to disarmament as the GA has previously brought to the CTBT or nuclear terrorism, this meeting will need to have tangible outcomes in order to add any value to the multiple discussion forums currently available.

Canada has tabled a resolution that would establish a 25-member Group of Governmental Experts to study elements of a fissile materials treaty. Optimally, a GGE would advance understanding of the mechanisms needed for verifiably ensuring that new fissile materials are not produced for weapons, that existing materials are not made available for weapons, and that the removal of materials from military stockpiles is permanent. That in turn could contribute to effective fissile material control within a dedicated treaty, or a convention or framework agreement on nuclear disarmament. However, establishment of a GGE, and more broadly negotiation of a fissile materials treaty, must not serve as a pretext for delaying work on the larger imperative of multilateral elimination of nuclear arsenals and establishment of a categorical prohibition on use.

The bottom line is that initiatives like the Austria-Mexico-Norway proposal and the NAM proposal that shake up the status quo will benefit the majority of the people and governments of the world over the few states that seek to retain their tools of violence.

On the other hand, we are disappointed that the resolution tabled on extending the negotiations for the ATT stipulates that the conference will continue working under the rule of consensus. In July, operating under the rule of consensus meant that the treaty text was weakened to accommodate the concerns of a small minority, who were in the end still unprepared to accept the treaty. Operating under the same rules of procedure next March risks another failure, or a weak treaty. It must be the views of the vast majority of states that win out, not the few who seek to block, weaken, or delay an outcome.

A handful of countries should no longer be allowed to hold back the rest of the international community in tackling some of the most dramatic problems of our age. Stalemate and watered-down outcomes must urgently be replaced by alternatives that can proudly be deemed "successful" for genuine human security and social and economic justice. Governments and civil society alike should not continue to settle for less.