

Background to the UNGA resolution to establish Geneva working groups

The resolution now before the UNGA First Committee on establishing working groups on nuclear disarmament and outer space (if the Conference on Disarmament does not commence work during its 2012 winter session) does not come out of nowhere; it has a history. Some may try to claim that the resolution is attempting to push the pace too quickly; the history shows that, if anything, the pace has been too slow!

The story begins in 2005, shortly after the NPT Review Conference went down in flames because of the anti-multilateral stance of the US Government. The same intransigence was blocking agreement in the Conference on Disarmament (CD); the US used the body's consensus requirement to veto adoption of a balanced work program. At the urging of Mayors for Peace, a group of countries began meeting at their Geneva Missions to craft a UN resolution that would use the power of the UNGA to put the diplomatic community in Geneva back to work. Six countries – Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden -- settled on a text that has served in the present day context as the starting point for the current First Committee initiative.

In early October 2005, they circulated the draft with an explanatory note to the diplomatic community in New York. All five of the nuclear-weapon states (as well as India and Pakistan) expressed opposition to the proposal – the notion that the nuclear disarmament agenda might be set by non-nuclear-weapon states was just too much for them. But, of the nuclear states, only the US went into action. The State Department démarched all six capitals, but it was Canada that got special attention. The new conservative government was both receptive to US views and vulnerable to US pressure and soon backed down.

In the meantime, a procedural innovation that had been tried on an ad hoc basis in the CD in 2005 was gaining support as a future standard. Each year the CD is chaired by six different countries. In 2005, for the first time, the six worked together as a team throughout the year. A number of key countries argued that before resorting to mechanisms outside the CD, this innovation should be given a chance to prove itself. At that point, Brazil, Kenya, Mexico, New Zealand, and Sweden decided that, rather than risk further deterioration of their group, it would be better to make a tactical retreat. They – along with Canada – announced that they would not submit their proposal this year, but they would maintain the option of reviving it should the six-presidents innovation proved inadequate for overcoming the CD's vulnerability to consensus abuse.

For many, the real test would come after the Bush Administration departed. And the advent of the Obama Administration certainly raised hopes. By 2009, in fact, a work programme was agreed in the CD. But, no sooner was work to begin than the consensus-veto raised its ugly head again. This time it was Pakistan blocking one procedural step after another until the CD's summer session ran out of time without having done a lick of substantive work. In January 2010, Pakistan refused to renew the work program. Notwithstanding this obstacle, the 2010 NPT Review Conference renewed its calls on the CD to address several key multilateral arms control and disarmament issues with a view to producing

tangible results in time for the 2015 Review. None of this seemed to have the slightest effect on Pakistan (not a party to the NPT).

Good faith efforts continued through 2011 to overcome the impasse in the CD. But the conclusion that the six-presidents innovation was not a panacea became inescapable, and the prospect of entering a new NPT review cycle in 2012 without challenging the CD-charade became unpalatable for many diplomats. Thus, six years after reserving the option to return to the 2005 proposal, Mexico, joined by Austria and Norway, are now exercising that option. Was it right to wait so long? Six precious years have been squandered in the CD. Granted, there had been a glimmer of hope in 2009, so perhaps the delay is understandable. But now it is absolutely clear that any further delay would be unconscionable.

Since no other serious contender for getting talks started has emerged, the choice between inaction in the CD and action via the UNGA is a 'no brainer.' The UNGA working groups proposal is the clearest litmus test of a country's good faith in discharging its obligations under Article VI of the NPT, interpreted by the ICJ as applying to all countries whether parties to the NPT or not. In the next few weeks we shall see how every country in the world measures up. Anyone and everyone in a position to influence their government's stance should endeavor to give this high priority in the coming weeks.