

Draft Elements of an UNGA 66 First Committee Resolution "Taking forward multilateral disarmament negotiations"

submitted by
Austria, Mexico and Norway

The General Assembly,

Deeply concerned at the catastrophic humanitarian consequences of any use of nuclear weapons,

Recalling the declaration of the first special session on disarmament, that "all the peoples of the world have a vital interest in the success of disarmament negotiations", and that "all states have the right to participate in disarmament negotiations",

Recalling the United Nations Millennium Declaration, which states, *inter alia*, that the responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally and that, as the most universal and most representative organization in the world, the United Nations must play the central role,

Reaffirming multilateralism as a core and fundamental principle in negotiations in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope,

Recognizing the importance of disarmament in strengthening global security and promoting international stability,

Recognizing that prevention of an arms race in outer space would avert a grave danger for international peace and security,

Recalling the contribution made in the past by the Conference on Disarmament in successfully negotiating arms control and disarmament instruments,

Mindful of the continuing requirement for a single multilateral disarmament negotiating forum, as expressed during the first special session devoted to disarmament,

Concerned at the continuing impasse in the Conference on Disarmament,

Taking into account all efforts to foster agreement on a Programme of Work in the Conference on Disarmament and recalling in this context the most recent agreement reached in the CD,

Recognizing the increased political attention to disarmament and non-proliferation issues and that the international political climate is more conducive to the promotion of multilateral disarmament and moving towards the goal of a world without nuclear weapons,

Comment [AT1]: This comes directly from the 2010 NPT Final Document.

Comment [AT2]: This paragraph and the next establish the authority of the UNGA to determine how multilateral disarmament issues are dealt with, i.e. to intervene is the CD is not up to the job.

Comment [AT3]: The CD is NOT an open-ended conference, only 66 countries can participate fully in it. The new working groups would be open to all UN members.

Comment [AT4]: This paragraph reminds members of the CD that their privileged status is predicated on getting results that the global community at the whole wishes for.

Comment [AT5]: A defense of multilateral initiatives that may not achieve formal universality, but nonetheless establish universal norms in more and more fields.

Comment [AT6]: This is a be-nice-to-the CD paragraph. It leaves unanswered how much more the CD might have accomplished had it not been hamstrung by the consensus rule.

Comment [AT7]: Ditto. The point was never that the CD should be the sole forum, only that it is a standing body; i.e. always ready to get to work. It hasn't really worked out that way.

Comment [AT8]: This is a very mild way of putting it. 'Deeply frustrated' would be more accurate!

Comment [AT9]: This is when, in 2009, the four-part work program was officially established (if only for a few months). It is that four-part formula which is used in the key operative paragraph below.

Comment [AT10]: This reminder highlights how out of step the CD is with global trends.

Recalling the strong support of the Secretary-General with regards to revitalizing the multilateral disarmament machinery, as well as the continuous efforts by Member States to secure progress in multilateral disarmament, including the five permanent members of the Security Council to facilitate progress with respect to a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and also recalling in this context, *inter alia*, Resolution 1887 (2009) adopted by the Security Council at its 6191st meeting on 24 September 2009, and the 2010 NPT Review Conference Action Plan,

Comment [AT11]: The Action Plan relies upon the CD to handle FMCT, NSAs, and nuclear disarmament. Hopefully this resolution will mean the 2015 Review Conference has a more reliable venue to turn to.

Recalling the High-Level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations, held in New York on 24 September 2010 and the Resolution A/RES/65/93 “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”,

Comment [AT12]: If the CD cannot be ‘revitalized’ right away, then here is a way to ‘take forward’ negotiations in the meantime.

Emphasizing the importance of substantive progress on priority disarmament and non-proliferation issues,

Comment [AT13]: ‘Substantive’ is the key word since no substantive work has been done in the CD for 15 years.

Recognizing the important contribution that civil society can make to multilateral disarmament, non-proliferation and arms control processes,

Comment [AT14]: This is a hint that civil society might be granted a somewhat larger role under the new arrangement than it currently has at the CD.

Mindful of Article 11 of the United Nations Charter, concerning the functions and powers of the General Assembly to consider and make recommendations, *inter alia* with regard to disarmament,

Comment [AT15]: This establishes that the adoption of this resolution would be in full conformity with UNGA practice under the UN Charter.

1. Urges all members States of the CD to do their utmost during the 2011/2012 inter-sessional period to overcome outstanding differences regarding the adoption and implementation of a program of work and calls upon the CD to adopt and implement a program of work during the 2012 session of the CD, to enable the immediate commencement of negotiations;

Comment [AT16]: One more good faith effort in the CD, before recourse to the alternative.

Comment [AT17]: As was found in 2009, adoption of a work program does not mean it will be implemented.

2. Should the decision on a program of work not have been reached and such program of work not been implemented as stipulated in OP1, resolves to consider in its sixty-seventh session alternative ways of taking forward multilateral disarmament negotiations, including

Comment [AT18]: Note this is plural, but only one way is actually spelled out. So while there is flexibility, there is also a clear direction.

Comment [AT19]: How many groups will handle the four areas is not specified. It could be anywhere from one to four. An earlier draft suggested two.

i) through the establishment of open ended working groups on the issues of nuclear disarmament to deal with, *inter alia*,

Comment [AT20]: This is the opening to advance the abolition of nuclear weapons.

- nuclear disarmament and the achievement of a world without nuclear weapons,
- effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons,

Comment [AT21]: Often referred to as NSAs (negative security assurances ; ‘negative’ because it is a promise NOT to do something).

- the elaboration of elements 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,

Comment [AT22]: FMCT (‘Cut-off’ as in terminating production)

Comment [AT23]: India, in the 1970s, develop weapons capability in the guise of ‘peaceful explosion’ capability. The CTBT has established the norm that a nuclear explosion is a nuclear explosion period.

- as well as on the Prevention of an Arms Race in Outer Space;
- ii) that the work of such open ended working groups would take place in Geneva and take into consideration all relevant views and proposals past, present and future, not excluding the possibility of initiating negotiations on legally binding instruments on any of the aforementioned issues, as deemed appropriate;
- iii) that such open ended working groups would seek to develop recommendations and submit a consolidated report on their work to the sixty-eight General Assembly, which would assess their progress and decide on extending their mandates, taking into consideration progress on the adoption and implementation of a Programme of Work in the Conference on Disarmament.
3. Decides to include in the provisional agenda of its sixty-seventh session an item entitled "Taking forward multilateral disarmament negotiations".

Comment [AT24]: The lack of a bullet point is a typo which will probably be corrected in the submitted version.

Comment [AT25]: Geneva, so as to make use of the disarmament diplomats already gathered there, but currently idle on these issue.

Comment [AT26]: TWO implications : (1) the work on FMCT can move to negotiations directly if the working group so decides ; (2) the other areas can do likewise in due course.

Comment [AT27]: The CD reports every year ; hopefully these working groups would have more to report – that won't be difficult!

Comment [AT28]: Note that this leaves upon the possibility of extending one working group but not the other. This might give the CD more room to maneuver in the search for consensus.

Comment [AT29]: This ensures that if the CD is still deadlocked, the proposed alternative will be before the First Committee in October 2012. This is not an automatic trigger, but it is a very good handle.