

Nuclear disarmament: its future in the CD

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Consensus, political will, and nuclear disarmament

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Thanks very much to UNIDIR for organizing this event and inviting me to speak. UN disarmament machinery is an important topic for Reaching Critical Will, which is the only civil society group still monitoring the CD through fifteen years of deadlock. Along with many governments, we have growing concerns about the stalemate. My comments today will focus on issues of consensus, political will, and achieving nuclear disarmament.

Consensus

Some governments and civil society actors have repeatedly warned that blind faith in, and strict interpretation of, the consensus rule have badly damaged UN-affiliated disarmament machinery. Over the years, consensus has become less a tool for encouraging creative compromises and more an instrument for demanding unanimity, usually resulting in lowest common denominator agreements. In effect, consensus has become a veto to be yielded by each participating government.

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 to protect them. In the CD, the nuclear weapon possessors are the only states using the rule of consensus as a veto on the various issues on which they don't want to move forward.

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.

Political will

Of course there are also those that claim the problem is not the rule of consensus but political will. This is a false dichotomy. Of course the problem with the CD is political. The countries blocking work from starting on the various issues on the CD's agenda do not wish to begin work on eliminating nuclear weapons, stopping their fissile material programmes, or preventing the weaponization of outer space.

In fact, that political will becomes more elusive as modernization programmes are put into place, as billions of dollars are sunk into the weapons laboratories, and as states around the world continue to shelter under nuclear umbrellas and include the potential use of nuclear weapons in their security doctrines.

But the problem is also procedural, because those benefiting from the stalemate, from the status quo, are hiding behind a narrow interpretation of a procedural mechanism. There is lack of political will to stop using the consensus rule as a veto. There is lack of political will to think creatively about how to reach agreement on difficult problems.

There is also lack of political will even by those who don't possess nuclear weapons. Some of the states opposed to changes in the CD's rules of procedure, or proposals to circumvent the CD to begin substantive work, are some of the same states that claim that nuclear disarmament is their highest priority.

These governments expect negotiations to take place inside the CD, yet they demand preservation of the consensus rule, which the nuclear weapon possessors have been using as an instrument of veto for the last fifteen years to prevent negotiations from beginning. They demand nuclear disarmament, yet hold it hostage to the preservation of an institution established during an intense period of arms racing. They call for efforts to revitalize the CD through strong political will—the ingredient that many states argue is missing—yet do not seem to have the will themselves to consider alternatives. Last year, they accused the draft resolutions dealing with overcoming the impasse in the CD as distracting from the “core task” of CD member states, which is to forge consensus on a “balanced” programme of work that gives equal treatment to the four “core” issues. However, this task has been attempted for fifteen years to no avail—which has in fact distracted from the CD's *real* core task, which is to negotiate disarmament treaties.

It is the non-nuclear weapon possessors to which the stalemate does the most damage. Yet many non-nuclear weapon states continue to argue that the consensus rule is a way of protecting national security interests of all states at the same level and not simply the most powerful among them. But the nuclear weapon possessors are the *only* states using this rule as a veto in the CD.

The nuclear weapon possessors, a tiny minority of countries, benefit from the stalemate in the CD. The decision of certain non-nuclear weapon states to block proposals for beginning substantive work on the issues they purportedly care most about would only seem to harm their own interests. The Secretary-General has described nuclear disarmament as a common global good. But the stalemate in the CD prevents this good from being realized.

Some questions arise from this situation: Why is the CD, an institution whose rules of procedure and limited membership undermine collective security, so revered by some of the non-nuclear weapon states? What benefit do they derive from the continued stalemate? They may be concerned about losing an institution historically identified with nuclear disarmament, without having anything solid to replace it. However, such worries should be outweighed by the costs of continuing indefinitely with the status quo.

Nuclear disarmament

As Tim mentioned, the final document of SSOD I stressed the central role and primary responsibility of the United Nations in the sphere of disarmament. After the member states of the CD themselves, the responsibility for the work mandated to the CD lies with the General Assembly. Each year, the General Assembly calls upon the CD to commence work, but each year, the CD fails to respond to these calls.

Therefore, some governments and civil society actors believe that the General Assembly should resume responsibility for pursuing disarmament and establish a process to do so. Opinions differ on whether the CD should be shut down temporary or permanently, but many agree at this point that either the CD's mode of operation needs to change or the GA should take over its responsibilities.

Last year, Austria, Mexico, and Norway proposed that the GA set up open-ended working groups in Geneva on the CD's four core issues. This formulation was never put to a vote. This year, Austria announced yesterday, they are proposing one open-ended working group on nuclear disarmament to meet for up to three weeks in Geneva. This is an interesting option. It seems meet the demand of the vast majority of the CD membership for concerted efforts on nuclear disarmament. The only difference is, it's not specifically within the confines of the CD, which has been unable to establish such a working group or any other format work. The benefit to an open-ended working group of course is that more than just the 65 CD members can participate. So it's providing for more robust multilateral action than the CD could.

Of course it's not a perfect option. If it is just another venue for the discussions that have been held for the past fifteen years in the CD, in the Disarmament Commission, in the GA, then there isn't likely to be much added value. But if has even a remote possibility of generating momentum for concrete action, isn't it worth a try? What would be lost?

Regarding the issue of consensus, we should ask ourselves, which disarmament treaties have actually been adopted by consensus, and how to they compare to those that were not. We can also look to negotiation processes such as those banning antipersonnel landmines and cluster munitions, which did not operate by consensus but did not have to resort to voting. Of course they are not universal agreements yet, but neither are many treaties that have been negotiated by consensus. Not having a strict consensus rule wherein it becomes the equivalent of a veto doesn't mean that participants won't strive for consensus. The problem comes from making absolute consensus—unanimity—a requirement for an agreement's adoption.

The thing that everyone must keep in mind when considering new proposals or suggested modifications to methods of work is that our shared objective is nuclear disarmament. Will this proposal help or hinder achieving that objective?

Creativity and new strategic approaches—not to mention political will—are required from everyone that says they are in favour of disarmament, or preventing an arms race in outer space, or even just of stopping the production of fissile materials for weapons purposes. Every government that wants to establish a ban on nuclear weapons, a ban on fissile materials, and/or a ban on space weapons, must support and engage in concrete action to begin negotiations.

The international community cannot leave it up to the nuclear weapon states to decide when they are ready to disarm. At the UN General Assembly high-level debate this September, Austria's Vice-Chancellor Michael Spindelegger argued, "Any use of nuclear weapons would be devastating for the whole world in its humanitarian and environmental effects. In the 21st century, such an existential threat to humankind can no longer be handled exclusively by a few states as a national security matter."

The nuclear weapon states routinely demand that other countries create the conditions for nuclear disarmament. If the non-nuclear weapon possessors were to develop effective responses to the ongoing stalemate in the UN's disarmament machinery, this would be a good framework to establish these very conditions.