

18 July 2007

Original: English

Open-ended Working Group to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament

First session, 25-29 June 2007, New York

Some reflections and questions from the Chair

Working paper by the Chairman of the Open-ended Working Group to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament

Disclaimer: This is not a paper devised to start a drafting exercise. It is a modest attempt to provide food for thought and initiate a diplomatic discussion on a matter beset by acute divergences among Member States (starting with the need and political feasibility of a fourth special session of the General Assembly devoted to disarmament). Of course, its assertions are open to debate.

- The 1978 tenth special session of the General Assembly, the first special session devoted to disarmament, produced an impressive Final Document.¹ It reaffirms universal principles (some of them can be traced back to the statute of the League of Nations) and sets forth a number of objectives which remain valid today. On the other hand, important objectives envisaged in the text have been accomplished.²
- Resolution S-10/2, adopted by consensus, is a politically binding instrument. If we want it to remain pertinent — as a programme for political action — at the beginning of the 21st century, we must renew our political support for it.
- The Final Document of the Tenth Special Session of the General Assembly reflects a sense of foreboding and urgency prompted by the Cold War at its height. While certain parameters and phenomena remain constant in

¹ Resolution S-10/2.

² The Convention on Certain Conventional Weapons, the Conventional Forces in Europe Treaty, the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.



international security, we find ourselves at a different political juncture in 2007. The risk of a global nuclear confrontation is less likely today than in 1978.

- The present juncture is marked by its own threats and challenges; a fourth special session ought to take political and practical stock of these. In fact, we don't need a special session just to reaffirm our allegiance to resolution S-10/2: a General Assembly Plenary resolution would suffice for such a limited — albeit important — purpose.
- To command a comparable political authority, the final document of a fourth special session should be a **coalescing vehicle for all** United Nations Member States. As such, it must enjoy significant consensus (including all key players) and add value over and above what was accomplished by the first special session.
- The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) remains the cornerstone of international security, but its legal regime has been subjected to increased political strain. The Chair is convinced that confronting nuclear disarmament with nuclear non-proliferation portrays a false dichotomy: nuclear non-proliferation and nuclear disarmament are in reality the obverse and the reverse of the same coin.
- The 2010 Review Conference will be a litmus test of the States Parties' political support for the NPT. Another failure would require political remedies best adopted in a multilateral setting. The General Assembly is the principal body of the United Nations, empowered both with political legitimacy and legal authority to act on behalf of all the United Nations membership.
- The objectives and agenda of a fourth special session are to be decided by the General Assembly. This Working Group — which **is not** a mini-special session — is intended to facilitate such a decision. In its 2003 version, the Working Group failed to reach consensus; the Chair is persuaded that repeating the 2003 exercise is riskier than essaying a new approach.
- A fourth special session will require a critical mass of political support from key players and the United Nations membership at large. The Chair is convinced that such a critical mass can be reached, **incrementally**. Any increment, however modest, is a success.
- If we engage seriously in the business of increasing political support for a fourth special session, we would be well advised to avoid certain unnecessary contentious elements. True, divergences will continue to exist, but not all of them are equal. It is perfectly possible to concentrate, first, on the identification of points of convergence while recognizing the persistence of differences. (After all, divergence is the **raison d'être** of diplomacy).

Some questions for the first week

- Any multilateral review process entails political assessments of reality (events, phenomena, institutions, policies) and Member States may differ or disagree substantially in their interpretation.

Should a fourth special session include, necessarily, a review component?

Is a review component indispensable in relation to a non-legally binding instrument?

Would it serve the purpose of promoting consensus, which is essential for a successful special session?

- If we want a forward-looking fourth special session, it should address new threats and challenges. Disarmament does not occur in a vacuum: it responds to perceptions of security and regional and global scenarios.

What new threats and challenges fall within the scope of a special session?

In which way could a fourth special session contribute to current international efforts to cope with (some) of these threats and challenges?

- Old but persisting challenges should be revisited. Nuclear non-proliferation and disarmament are the most salient of these challenges. The Chair believes that a fourth special session, while setting the multilateral way forward, should recognize — as a matter of simple fact — both past and current achievements in nuclear disarmament and non-proliferation.³

How could a fourth special session dispel the false dichotomy between disarmament and non-proliferation?

How could a fourth special session help to further past and current progress towards nuclear disarmament?

How could a fourth special session support current collective efforts to address (and, in certain cases, redress) nuclear non-proliferation?

- The first special session systematized the **disarmament machinery** and created bodies and mechanisms that still exist today. While there are grounds to believe that most of these bodies have served us well, the stagnation affecting some — perhaps the result of too liberal an application of the rule of consensus — has given rise to proposals for the review of their methods of work.

Should a fourth special session dedicate special attention to the disarmament machinery, making its modernization and democratization one of its main objectives?

What bodies and mechanisms require particular attention?

Should a fourth special session set limits to the rule of consensus, reserving its application only to matters of substance?

- The involvement of civil society and the engagement of public opinion was encouraged at the first special session.

³ These achievements may be summarized as: reduction of total numbers of nuclear warheads; elimination of certain categories of nuclear weapons; decommissioning of nuclear weapon systems; non-replacement of weapon systems (strategic bombers); abandonment of nuclear programmes (South Africa, Libyan Arab Jamahiriya).

Should a fourth special session put in place mechanisms and rules of procedure to ensure a systematic participation of civil society in the activities of United Nations disarmament bodies (as in other United Nations bodies)?

What bodies would be better suited for civil society participation?
