

A stylized world map composed of a grid of grey dots, with several dots highlighted in red to represent specific countries or regions.

Disarmament and Arms Control Showdown at the UN in 2012?

ATT Negotiations, UNPoA Review, and WMDFZ-ME Conference

MARIUS MÜLLER-HENNIG

November 2011

- A series of crucial disarmament and arms control-related processes in 2012 require high-level, energized efforts by states to overcome the UN disarmament and arms control architecture's deadlock. In turn, progress in the field could free resources that are needed to address other pressing issues of global governance such as sustainable development, climate change, and the economic and financial crisis.
- Governments need to practise reasonable expectation management for the upcoming WMDFZ-ME conference and shape the processes as constructively as possible. In conjunction with the upcoming preparations for the next NPT Review Conference, the stakes are high to get the WMDFZ-ME process going.
- A universal ATT must be the result of negotiations next year. It should be as ambitious as possible, but to have any legally binding and substantial ATT is better than to have none. Higher standards could be pursued as an optional extension of the core ATT, and a robust review process could ensure that an ATT might increase in strength. However, the inclusion of Small Arms and Light Weapons as well as a viable structure to support states in implementation should already be core concerns for negotiators next year.
- The coming year will also be decisive for the future of the UN Conference on Disarmament: either states will revitalize that institution or must start to address the crucial issues on its agenda – all of which already have been delayed too long – in different forums.



Introduction

In 2012 the global arms control and disarmament machinery will be at a crossroads. While chances for a breakthrough in any of the upcoming processes are limited, a breakdown of any of these processes will likely deal a major blow to the UN's disarmament and arms control architecture. Therefore, governments are well advised to attach utmost political attention to these processes. The two most prominent processes in this series will be the negotiations about a legally binding Arms Trade Treaty (ATT) in July and the conference on the Establishment of a Weapons of Mass Destruction Free Zone in the Middle East (WMD-FZ-ME), with the concrete date for the latter still to be decided.

Upcoming processes in the fields of disarmament and arms control:

- 5.12. - 22.12.2011** 7th Review Conference of the Biological and Toxin Weapons Convention (BTWC)
- 13.2. - 17.2.2012** 4th preparatory committee on an Arms Trade Treaty (ATT)
- 30.4 - 11.5.2012** Preparatory Committee for 2015 Review Conference of the Non-Proliferation Treaty (NPT)
- 2.7. - 27.7.2012** UN Conference on an Arms Trade Treaty (ATT)
- 27.8. - 7.9.2012** Review Conference of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA)
- 2012** Conference on the Establishment of a Weapons of Mass Destruction Free Zone in the Middle East (WMD-FZ-ME) to take place in Finland

At the same time, political analysts will point to supposedly equally important international processes pending next year, like the Rio+20 summit on sustainable development and the disheartening continuation of international negotiations to tackle climate change; not to forget the ongoing efforts to curb the international financial and economic crisis.

* The author would like to thank Katherine Prizeman and Dr. Robert Zuber for very helpful comments on the first draft of this paper.

Against this political background, can any call for more high-level political engagement for the disarmament and arms control agenda be realistic? This question is misleading. All these processes should instead proactively be linked to the disarmament and arms control agenda via the logic of conversion: the notion that resources invested unproductively and dangerously in massive armament programmes should be diverted in large parts to socio-economic development and climate change mitigation and adaptation. This argument, of course, is by no means new and was in essence brought forward under the label of a »peace dividend«, inter alia at the end of the Cold War. And in fact governments already pay lip service to this argument, like in the form of a draft UN General Assembly Resolution (A/C.1/66/L.6) that was introduced by Indonesia on behalf of the Non-Aligned Movement and that »urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries.« This notion must be seized and widened to link the various global governance challenges in the socio-economic domain to the alarming and costly armament dynamics of recent years in many parts of the world.

Furthermore, the abstract claim needs to be put into concrete numbers to measure progress, for example with regard to the climate change negotiations of Copenhagen: the call was to provide 10 billion US dollars per year for developing countries to adapt to climate change in the short term, with a view to providing up to 100 billion US dollars annually by 2020. In contrast, global military spending in 2010 reached a total of 1.630 billion US dollars according to data from the Stockholm International Peace Research Institute. This means that if you wanted to double the financial commitments agreed at Copenhagen, this would merely require a 0.6 per cent reduction of military spending in the short term and a 6 per cent reduction over the next decade.

Nuclear Disarmament and Arms Control – Focus on the Middle East

Since the years 2009 and 2010, when nuclear disarmament and non-proliferation were brought into the limelight, 2011 has seen a dramatic decrease in the dynamics



and public profile of this important topic. The whole exaltation associated with the Prague Speech of US President Barack Obama, the UN Security Council meeting on nuclear disarmament, and the wake-up call of the »four horseman« in the end merely led to another round of modest bilateral reduction steps between the United States and Russia and a rather weak compromise to facilitate any positive outcome of the last Review Conference of the Non-Proliferation Treaty in May 2010. Observers noted that the high-level engagement only achieved a precarious consensus, which helped in avoiding a failure of the 2010 Review Conference. For the next Review Conference in 2015, however, the broadly shared assumption is that a positive outcome will require more significant progress in a variety of fields. One of these fields will be the discussion about a Weapons of Mass Destruction Free Zone in the Middle East (WMDFZ-ME). This issue – on the agenda already since a resolution of the NPT Review back in 1995 – was one prominent and concrete result of the latest NPT Review: it called for a first conference on the issue to be held by 2012. In this regard the conference, its results, and follow-up will be of crucial importance for the future of the global non-proliferation regime.

At the same time, this issue, obviously, is of even more importance in the regional context itself. With continued deep-seated inter-state tensions and rivalries, the ongoing conflict between Israel and the Palestinians, and the recently increasing regional and global tensions around Iran's nuclear programme, any move forward with regard to the issue of a WMDFZ would be important progress for regional and global peace and security. At the same time, this issue illustrates all too clearly that disarmament and non-proliferation are not negotiated inside a »silo«: détente, disarmament, and non-proliferation are mutually conducive and reinforcing and building mutual confidence is at the heart of all of these endeavours. Therefore, governments around the globe should do their utmost to facilitate regional progress in this field while avoiding too narrow a focus on a logic of either »peace first« or »disarmament first«.

This urgent call notwithstanding, governments and NGOs advocating for progress in this field should also caution against any false optimism and practise wise expectation management. The prospects for a substantial outcome of the 2012 conference are limited and representation

from all states concerned is far from assured. Therefore, the international community must make sure that:

- the conference takes place at all and includes all regional stakeholders;
- it will not deepen mutual distrust in the region; and
- that it will not result in a backlash for the next NPT Review.

This already is a significant call and will probably require substantial extra-regional reassurances as well. Whatever additional substantial results and progress might be achievable should be welcome but by no means taken for granted in advance. Against such background it is also clear that there will be a serious need for further progress in the other domains of the NPT Agenda, in order to lay the basis for a successful review conference in 2015.

Rather No ATT Than a Weak ATT?

One issue that will also have to be addressed when it comes to the negotiations about weapons of mass destruction in the Middle East is the broader armaments dynamic in the region; also with regard to conventional arms. While an alarming dynamic has been described by analysts for quite some time now, the secrecy still surrounding the arms trade obviously hampers transparency, and in turn confidence building. A step forward would be the successful negotiation of a legally binding Arms Trade Treaty, (ATT) allowing for more transparency in the field of conventional weapons trade. While certain statements are repeated like a mantra that the ATT to be negotiated in summer 2012 is meant to be a »trade treaty« and not an »arms control treaty«, this argument – though true in the literal sense – might obviously be misleading when it comes to the motivation for such a treaty: The ATT clearly is a means of global peace and security policy, not economically motivated trade policy (a brief look at UN General Assembly resolution A/RES/64/48, which called for the 2012 ATT conference, illustrates this).

The ATT negotiations have proceeded well, up to a certain point. However, new discussions about a few spoilers blocking a substantial ATT with a decent scope puts into question the feasibility of any treaty being passed at all. Bearing in mind the consensus requirement for



passing any ATT – a provision that was introduced by the United States as a precondition for taking part in the negotiations – there is widespread concern that only a weak ATT might pass this threshold. Issues that inter alia might become crucial in this regard are: (i) the inclusion of Small Arms and Light Weapons, (ii) the inclusion of Ammunitions, and (iii) the institutional structure to support implementation (Implementation Support Unit, ISU). Advocates of a comprehensive ATT already have raised the question whether a weak ATT that leaves out these issues would perhaps be worse than no ATT at all.

Of course, the argument for a strong and comprehensive ATT is compelling in many regards and a rather weak ATT would come as a serious disappointment to its many committed advocates, states and NGOs alike. However some trade-offs should be considered when discussing a potential opt-out from the universal process in order to pursue a more comprehensive ATT in the framework of a coalition of like-minded states. First and foremost, an opt-out from this ATT negotiation would be a serious blow to the general disarmament agenda, possibly deepening rifts in the international community and bringing into question the future relevance of universal negotiations in the field of disarmament and arms control.

Furthermore, such an approach would meet the same difficulties as have been encountered with regards to international efforts to ban cluster ammunitions and land mines. While such courses of action of like-minded states can send a strong normative signal, it nevertheless likely fails to provide for the setup of a universal framework for addressing these issues. The states subject to such treaties usually end up being those that already are committed to the corresponding regulations before the treaty was in place. This does not mean, however, that the self-binding function of such a treaty for the corresponding states would be useless. Yet, in this particular case it would make more sense to pursue an approach that would take the universal ATT as sort of a common »floor« – as Global Action to Prevent War calls it – and to leave room for states to commit to more than the limited scope of this basic ATT, that is, through additional protocols. Such an approach could, for example, result in an ATT that includes Small Arms and Light Weapons obligatory and Ammunitions optionally for those states willing to commit to more than just a »basic ATT«. In addition to what can already be agreed on in 2012, a robust review process for the ATT could and should also ensure that this

important treaty can be further developed in the future. The inclusion of Small Arms and Light Weapons (SALW) in the ATT, however, should be a core aim of the negotiations in the coming year. By including them, an ATT would perfectly complement the UN Programme of Action on Small Arms and Light Weapons (UN PoA), which aims to tackle the illicit trade in these weapons. While significant progress has been achieved in this field, there is no doubt that a more transparent, licit arms trade would also allow for further progress in tackling the illicit part of this trade. And in contradistinction to the UN PoA, which is only a politically binding treaty, an ATT would also be legally binding. A failed negotiation about an ATT would, in turn, also cast a long shadow over the Review Conference of the UN PoA, which is scheduled to take place immediately after the ATT negotiations.

A Final Chance to Get the CD Working?

The ATT process over the last couple of years has been the silver lining at a time when other global disarmament and arms control forums like the Conference on Disarmament (CD) have been persistently deadlocked causing bitter frustration. The coming year will perhaps also see the last attempt by disarmament advocates to set this forum back in motion. A resolution of the First Committee of the UN's General Assembly only recently issued another call to the CD to adopt and implement a programme of work with a view to discussing alternative options to bring forward multilateral disarmament negotiations in case the CD fails to live up to this expectation by the next session of the General Assembly in 2012 (A/C.1/66/L.39). Even though the language in this resolution is less explicit than was suggested by alternative draft resolutions introduced in this year's first committee (e.g., A/C.1/66/L.21/Rev.1, which was withdrawn over the course of deliberations), it seems clear that this could be the final call for the CD before deeply frustrated disarmament advocates virtually start to abandon this forum altogether.

The major deficiency of the CD in the form of the consensus rule is striking. It allows single states to block any kind of substantial work of this forum already way before any draft treaty – for any of the issues on the CD's agenda – would be decided on. However, passing the buck this way might be too easy in the end. As in the case of the WMD/FZ-ME negotiations, too narrow a focus on the immediate agenda of the CD might be distracting



from links that could still be exploited. States at the CD should consider innovative ways to address those security concerns that are brought forward as a justification for blockading the CD for so long. In the end, going ahead in any field of disarmament and arms control requires trust in a strategic environment where opening moves by individual states are not exploited to the detriment of these states' national security. Extra-regional states or neutral powers could facilitate confidence-building, and immediate neighbours or global peers of blockading states could shift détente and rapprochement efforts to a higher gear. In the end, however, any such new opening will require reciprocity and, therefore, will be indicative of the willingness of spoilers to unlock the potential of the CD again.

This argument for giving a last try to working through the CD as it is notwithstanding, states firmly need to tackle the structural flaw in the way the current disarmament machinery works. Setting a high threshold for passing new international obligations that infringe on matters of national security is perfectly understandable, but maintaining a requirement for all-out consensus and thereby granting veto-power to every single state has proven to be a main impediment to global peace and security. The deadlocked CD and the slowing ATT negotiations should serve as serious reminders in this regard. Especially with regard to the CD, discussion on all four major issues on the agenda – (i) a Fissile Material Cutoff Treaty (FMCT), (ii) negative security assurances for non-nuclear weapon states, (iii) nuclear disarmament, and (iv) the prevention of an arms race in outer space – would desperately need to be kick-started. Linking-up these different topics in a »quid pro quo« at the CD has proven to be counterproductive, and the limited membership of the CD in this regard still adds insult to injury.

Sound Diplomacy Is Not Enough – A Call for High-ranking Political Commitment

Taking a look at the overall picture, it seems to be fair to say that negotiations in 2012 will be rife with contentious issues and veto-players putting up a veritable challenge for disarmament and arms control advocates. However, sticking to the proverb that »when the going gets tough, the tough get going«, it remains to be seen whether any of the »tough« – that is, the staunch disarmament supporting states – will finally »get going«. There is a desperate need to infuse the difficult negoti-

ation processes with a fresh dynamic. This is not a task for diplomats alone but a call to politicians in the aforementioned »staunch disarmament supporting states«. Taking the example of Germany, politicians habitually pay lip service to the cause of disarmament and arms control, and diplomats do what they can to progress in this field. In the end they do achieve progress, as with the enhanced reporting duties for military expenditure to be passed by the General Assembly this December.

However, when it comes to stimulating a new dynamic in stagnant (ATT) or deadlocked (CD) processes, or even to give new processes (WMDfZ-ME) a good head start, more than just sound diplomacy is required. In cases like these – which all will be on the agenda for 2012 – major political commitment is needed, not with a view to achieving immediate breakthroughs but with a view to setting processes on a sustainable trajectory and avoiding serious failure of any of these processes. A trajectory that will allow sustainable progress in the field of disarmament and arms control, thereby contributing to a less volatile security environment and at the same time entailing the chance to free significant resources for other pressing causes on the global agenda. This will require a good deal of political attention and commitment to cut the necessary, yet costly, deals to set the virtuous disarmament cycle back in motion. Presidents, Prime Ministers and Foreign Ministers need to back up national positions, thereby signalling the political relevance of these processes to their peers, and also give diplomats the political backing to cut substantial deals in order to enlist sceptics and spoilers for progress. If it remains with the diplomats alone, spoilers – few states and certain interest groups alike – have too much room for manoeuvre to lobby for positions that are contrary to collective security interests.

Finally, against the background of the upcoming presidential elections in the United States, there is no scope for disarmament advocates around the world to hope that the United States takes up the initiative. Rather to the contrary, it seems that getting US support for progress in any of the fields discussed above will very likely be as difficult as it will be crucial to move ahead with arms control and disarmament. Therefore, the call especially goes to the staunch disarmament supporting states that are allied with the United States to get the superpower to make some of those concessions in the field of disarmament and arms control that would reinvigorate the dynamic this crucial policy field.



About the author

Marius Müller-Hennig is in charge of Global Peace and Security Policy in the Department for Global Policy and Development at the Friedrich-Ebert-Stiftung.

Imprint

Friedrich-Ebert-Stiftung | Global Policy and Development
Hiroshimastr. 28 | 10785 Berlin | Germany

Responsible:
Jochen Steinhilber, Head, Global Policy and Development

Phone: ++49-30-26935-7476 / Fax: ++49-30-26935-9246
<http://www.fes.de/GPol/en>

To order publications:
Sandra.Richter@fes.de

Global Policy and Development

The department Global Policy and Development of the Friedrich-Ebert-Stiftung fosters dialogue between North and South and promotes public and political debate on international issues in Germany and Europe. In providing a platform for discussion and consultation we aim at raising awareness of global interdependencies, developing scenarios for future trends and formulating policy recommendations. This publication is part of the working line »Global Peace and Security Policy«. Contact: Marius Müller-Hennig, Marius.Mueller-Hennig@fes.de.

The views expressed in this publication are not necessarily those of the Friedrich-Ebert-Stiftung.



ISBN: 978-3-86872-985-6