



THE SECRETARY-GENERAL

31 March 2015

Excellency,

I wish to thank you for your two letters dated 2 March 2015 reporting on the results of the sixty-third session of the Advisory Board on Disarmament Matters and on the situation of the United Nations Institute for Disarmament Research (UNIDIR).

I would also like to express my appreciation for the efforts of the Board under your guidance. The advice of the Board at this critical juncture in the disarmament discourse has been invaluable.

The deliberations of the Board on the new challenges to disarmament and the increasing role of non-state actors as well as those on the related topic of the role of arms control in managing conflicts were of great interest. I noted, in particular, the Board's focus on the interrelationship between states, arms control and non-state actors. I therefore look forward to hearing further views on these challenging topics when the Board meets again in July 2015.

The Board's discussion on the humanitarian consequences of nuclear use is timely. I look forward to your continued deliberations as well as to your advice and recommendations on this important topic.

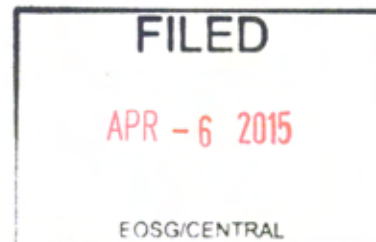
I am particularly grateful for the Board's oversight of UNIDIR and have carefully studied the views expressed on the Institute's current situation. I share the Board's concern and appreciate its recommendations on how to address the challenges facing UNIDIR.

Your invaluable contribution as Chairperson is deeply appreciated, and I look forward to the successful conclusion of the Board's work in 2015.

Please accept, Excellency, the assurances of my highest consideration.

*Ki Moon Ban*  
BAN Ki-moon

His Excellency  
Mr. Istvan Gyarmati  
Chairperson of the Advisory Board  
on Disarmament Matters  
Budapest



15-00001 DIS/06/001



To: CDC (through ODSG),

Please find attached, for your approval and SG's signature, a reply letter to the Chairperson of the Advisory Board on Disarmament Matters regarding UNIDIR.

AK

Political Unit  
31 March 2015

Received in ODSG

31 March 2015

Seen by:

ER

RECEIVED

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Note to the Deputy Secretary-General

ADVISORY BOARD ON DISARMAMENT MATTERS

Please find attached, two letters from the Chairman of the Advisory Board on Disarmament Matters, Ambassador Istvan Gyarmati (Hungary), addressed to the Secretary-General. The first letter dated 2 March 2015 summarizes the deliberations the Advisory Board held at its 63<sup>rd</sup> session in Geneva from 28 to 30 January 2015. The Board had in-depth discussions on the following items: (a) The role of arms control in managing conflicts, (b) New challenges to disarmament and the increasing role of non-state actors and (c) The humanitarian consequences of nuclear use.

At its 64<sup>th</sup> session, to be held in New York from 29 June to 1 July, the Board will continue its discussion of the three above-mentioned agenda items with the objective of making concrete recommendations to the Secretary-General.

The second letter dated 2 March 2015, concerns matters within the purview of the Board's responsibility as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR). The Board was briefed by the Director of UNIDIR on the work of the Institute and its continuing financial and administrative challenges. The Board agreed that the Chairman would write a separate letter to the Secretary-General conveying these challenges and the recommendations to address them. I am attaching the Chairman's report on the findings of a recent study on UNIDIR, commissioned by the Board.

Please also find attached for the Secretary-General's consideration and signature, a letter of appreciation to the members of the Board.



Angela Kane  
10 March 2015

10.3/06/031 -



Budapest, March 2, 2015

**H.E. Ban Ki-moon**  
**Secretary-General of the**

**United Nations Organization**

**New York**

**Dear Mr. Secretary-General,**

At its recent meeting, the Board of Trustees of UNIDIR had a long and substantive discussion on the situation of UNIDIR. We gave serious consideration to the findings and the recommendations of the external needs assessment prepared by Mr. Desmond BOWEN and listened to the report of the new Director of UNIDIR, Mr. Jarmo SAREVA.

We also met with the Group of Friends of UNIDIR, composed of 30+ representatives of a great variety of countries, who feel responsible for the future of UNIDIR. As you know, Member States place great value on UNIDIR's contribution to supporting their work. The Board is emboldened by the resounding support voiced by Member States that UNIDIR should remain an autonomous institute within the UN framework. UNIDIR's expertise, analysis, tools and advisory services are all the more important at a time when other components of the UN Disarmament Machinery continue to produce little of substance. I would like to stress here that UNIDIR's output and contribution is truly remarkable for an institute comprising less than 15 people.

At our meeting, the Board of Trustees had a comprehensive account of the current status of UNIDIR and of its programme of work. We conclude that UNIDIR is at a crossroads: the hand to mouth existence has become unsustainable – for a variety of reasons. The Board noted the stark contradiction between the excellent work UNIDIR continues to do and the constant state of administrative and financial crisis management it has found itself in for the last several years--which of course distracts the Director and the staff from the core business of the Institute.

At the heart of the crisis is that UNIDIR's Institutional Operations Budget is--and always has been--chronically underfunded. This is in stark contrast to the Project and Activities Budget, which comprises earmarked funding and is healthy and growing. Put in another way, Member States are keen to invest in UNIDIR's outputs, yet are reluctant or unable to support the institutional framework within which such activities are undertaken.



This financial crisis has knock-on effects on UNIDIR's administrative stability. This has been brought into sharp relief by preparations for Umoja's rollout and has given the crisis an urgency that must be addressed in the coming months. These elements are summarized in the attachment to this letter. This attachment also outlines the specific engagement we are requesting from the Secretariat. Here I only want to emphasize that these challenges can not be solved without your strong personal support. Some of them also require the involvement and the approval of Member States. Therefore, I would like to ask you, on behalf of the entire Board, to seriously consider how our recommendations could be swiftly and expeditiously implemented.

The Board underlined that UNIDIR has provided practical, timely and effective service to the United Nations and the international community in the field of disarmament research for thirty-five years. The Board is heartened to recall your 2013 statement that UNIDIR "perform[s] important work and I believe it deserves increased financial support." We are convinced that with your personal support, UNIDIR can emerge from this crisis to be the stable and sustainable institution that Member States and the UN system deserves and can benefit from for the next 35 years.

#### Recommendations<sup>1</sup>:

##### **1. Recommend and actively support a larger Regular Budget subvention**

Article VII.1 of UNIDIR's statute that while voluntary contributions shall form the principal source of the Institute's financing and Article VII.2, which provides that a "subvention towards meeting the costs of the Director and the staff of the Institute may be provided from the regular budget of the United Nations, not to exceed an amount equivalent to one half of the assured income of the Institute from voluntary sources in respect of the year for which a subvention is being requested." Over the years, the real value of the subvention has eroded to the point that it currently does not cover the standard costs for a Director (D-2) (see annex 2).

Umoja rollout in late 2015 means that this is no longer an option. While projects will continue to be funded from voluntary contributions, the only stable and sustainable option for funding the institutional framework for these activities is to increase the subvention from the UN regular budget to cover the entirety of the annual Institutional Operations Budget (app 1,5M USD per year). The Board recommends that such increase be

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<sup>1</sup> For detailed analysis and recommendations see attachment

included in the Secretary-General's proposed programme budget for the biennium 2016–2017. As the preparatory process for the budget is already well advanced, this would require guidance from the Secretary-General to the Controller and the Budget Division.

**2. Actively explore whether how the UN Secretariat can serve as a guarantor for a portion of the Revolving Capital Fund.**

Unlike the annual IOB, the Stability Fund is a **one-time campaign**. Once secured, the Stability Fund serves as a reserve that the Institute can use to secure against contractual indemnities, to advance funds while awaiting the reception of a pledged contribution or payment, or when contributors are unable to pay until completion of the activity. In all cases, the Stability Fund is always replenished—it is not spent, only advanced and repaid by the Institute itself. In sum, the Stability Fund addresses the insecurities due to cash flow issues.

While the fund has been established and has received its first contribution, the Campaign will require time to bear fruit and some sort of bridging funds will be necessary upon introduction of Umoja until the Campaign reaches its goal of 1 million USD.

**3. Actively support finding flexible contractual mechanisms for the engagement of consultants and institutional partners and for hiring and retaining institutional staff.**

As already noted above, in order to put in place a sustainable business model for UNIDIR, and in line with the Institute's statute, flexibility on the part of the UN Secretariat is needed on contractual modalities for consultancies and institutional contracts; as well as to put in order the contractual status of long-serving institutional staff.

Furthermore, UNIDIR's statute states that the conditions of service of the Director and the staff shall be "those provided in the Staff Regulations and Rules of the United Nations", however "subject to such arrangements for special rules or terms of appointment as may be proposed by the Director and approved by the Secretary-General". That Member States included this clause in UNIDIR's statute indicates that they were cognisant that more flexible contractual arrangements might be necessary and appropriate for the Institute. The Board called for that option to be actively explored.

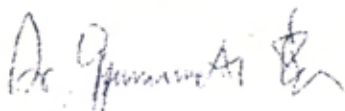


Dear Mr. Secretary, General,

This description of the crisis of UNDIIR might sound alarming. And it is – even ore alarming than the diplomatic language of this letter describes. Me and my colleagues, Mr. Sareva in th first place, would welcome the opportunity of a consultation with your staff – probably on Skype – on the very concrete modalities that we believe are absolutely needed in order to avoid the collapse of UNDIIR by November 1 this year.

Looking forward to our continued cooperation, I remain

Sincerely Yours,

A handwritten signature in dark ink, appearing to read 'Dr. Gyarmati Istvan', followed by a stylized flourish.

**Dr. Gyarmati Istvan,**  
Ambassador, Chair,  
SG's Advisory Board on  
Disarmament Matters



## ATTACHMENT

### 1. Context

At a time when the United Nations Disarmament Machinery is in near paralysis, yet both traditional and emerging security issues are more critical than ever, UNIDIR has a thirty-five year track record of delivering cost-effective, evidence-based, policy-relevant research, analysis, tools and advisory services. If the Institute is to continue to make this contribution as a viable and autonomous part of the UN and as a valued partner for Member States, it needs the full support of the Secretary-General and the Secretariat to resolve issues that are beyond the remit of Member States alone.

UNIDIR is almost entirely voluntarily funded by contributions from Member States. Since the start of the global financial crisis, governments have fewer resources, a preference for project funding over institutional funding, and more restrictions on the funds granted. Furthermore, the weakness of both the US Dollar and Euro vis-à-vis the Swiss Franc is negatively affecting UNIDIR as the majority of contributions to the Institute are received in US Dollars and Euros, yet the majority of expenditures are in Swiss Francs.

The overall funding environment is radically different from 1980 when the Institute was founded. A 2007 report of the UN JIU<sup>2</sup> cited **concerns about the reliance of many UN organizations on extra-budgetary, non-core funding** for building programmes of work. Key issues cited by that study included the lack of predictability of voluntary funding and the **impact on sustainability**, that earmarked funds can lead to a distortion of programme priorities, **critical shortages of institutional resources negatively affecting the ability to support programming**, and the administrative burdens associated with non-institutional, extra-budgetary funds. UNIDIR is increasingly beset by all those concerns.

Gone are the days of pledging conferences and multiyear unearmarked institutional support for the Institutional Operations budget. Most states are unable or unwilling to offer non-earmarked support to the Institutional Operations Budget; today, the majority of funds is short-term, earmarked project support (see annex 1). In addition, many donors have national ceilings on the percentage overhead they are willing or able to pay on

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<sup>2</sup> Voluntary Contributions in United Nations System Organizations: Impact on Programme Delivery and Resource Mobilization Strategies, JIU/REP/2007/1



project activities—thus limiting that as a source of funds to defray the Institutional Operations budget.

UNIDIR's outputs and activities are in demand. The monetary value of UNIDIR's project portfolio (the Project and Activities Budget) has been on an upward trend for the past decade. This is the result of the Institute's solid reputation and perceived value by contributors, particularly Member States. At the same time, contributions to the Institutional Operations Budget have fallen to an all-time low. **It is the Institutional Operations Budget that is in crisis.** This imbalance between project and institutional funding has reached a critical level and if not immediately addressed, the Institute will be unable to exist as a viable entity.

The **Institutional Operations Budget** is approximately USD 1.4 million annually. It is a fixed cost that cannot be further reduced. The IOB consists of the costs of the Director and four institutional staff, a minimum travel budget for the Director, dissemination and outreach, and IT and communications. The institutional staff are responsible for UNIDIR's strategic direction, financial and administrative transactions, management and oversight, reporting, communications and outreach. Funds for the IOB come from three sources: **non-earmarked contributions**, the **small subvention** from the UN Regular Budget, and a **percentage of overhead** recovered from project budgets. The IOB is set a year in advance and its estimates are based on UN salary scales, exchange rate fluctuation and other relevant factors.

The **Project and Activities Budget** varies annually and is entirely comprised of contributions from funders who have chosen to invest earmarked funds in a particular project. As funding decisions are taken throughout the year, and thus new activities can start at any time, any given year's Project and Activities Budget is known only at the end of the year.

The proportion of voluntary funding available for the IOB has been steadily decreasing. As noted above, fewer Member States are able or willing to contribute non-earmarked funds and increasing numbers place restrictions on the percentage of their funding that can be allocated to project overheads. The IOB is consistently underfunded—and has been since UNIDIR's establishment.

## **2. What the Introduction of Umoja means to UNIDIR**

Umoja will have two immediate effects on UNIDIR:

- It will impose a more restrictive cash flow management, and



- Compliance with UN financial and administrative rules and procedures will necessitate that the contractual status of staff be modified.

As the UN Secretariat moves increasingly to a cost-recovery model, increasing amounts of work are passed down to the "client", which requires a minimum level of institutional staff. Access to Umoja—essential for business critical operations—requires that those staff using it are on regular contracts. Thus the introduction of Umoja will require converting two existing UNIDIR staff members' contracts to fixed term renewable contracts between now and November 2015. The cost difference between the current contractual modality for these two staff and regularized contracts is approximately USD 196,000. Ironically, while there is no shortfall of donors willing to contribute to UNIDIR produced outputs, few contributors are willing or able to contribute towards the framework within which these outputs are produced. In addition, UNIDIR has no reserves at its disposal to cover the liabilities in order to establish these contracts.

### **3. Establishing a Sustainable Business Model for the Institute**

In light of the introduction of Umoja and the financial circumstances of the Institute, the Board of Trustees has reviewed the business model of the Institute in terms of sustainability and value for money. In summary, UNIDIR requires a small, stable cadre of institutional staff and a very limited number of senior substantive experts. The majority of research will be undertaken by experts as fellows, consultants, national correspondents and via institutional partnerships (as permitted in Articles V and VI.2<sup>3</sup> of UNIDIR's statute). The non-critical institutional functions have already been outsourced.

However, there are some elements of the UN standard contractual modalities for consultancies and institutional contract that require some flexibility on limits on duration, tendering for institutional partnership contracts, etc. in order to be appropriate for the research environment. A reading of the UNIDIR's statute indicates that there is possibility for non-standard arrangements: *"Article IV.4. The terms and conditions of service of the Director and the staff shall be those provided in the Staff Regulations and Rules of the United Nations, subject to such*

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<sup>3</sup> Article VI. 2. *The Institute may also develop arrangements for co-operation with other organizations and institutions active in the field of disarmament research which may be of assistance in the performance of the Institute's functions.*



*arrangements for special rules or terms of appointment as may be proposed by the Director and approved by the Secretary-General."*

#### **4. What has been done by UNIDIR and Board of Trustees to address sustainability?**

To remain competitive and cost-effective, the Institute maintains the **absolute minimum institutional staff necessary** to ensure adequate support for the functions of the Institute and its projects, as well as comply with UN administrative and financial rules and procedures. In addition to the Director, the Institute operates with four institutional staff (D-2, G-6, G-5 and the equivalent of a P-5 and a P-3); **all non-critical institutional staff functions have been outsourced as of end 2014.**

Through its **project development and budgeting process**, UNIDIR ensures that its activities are financially viable, cost-efficient and adhere to the principles of **Results Based Budgeting**.

UNIDIR actively **raises awareness** among Member States of the critical nature of institutional funding to the financial health of the Institute.

UNIDIR has **established a revolving Capital Fund and a Stability Capital Campaign** with a goal of USD 1 million for 2015. Host Country and long-standing supporter Switzerland was the first contributor to the Stability Fund. While not alleviating the necessity to secure the Institutional Operations Budget each year, a capital fund must be established to permit the continued operation of the Institute to address the cash flow issues that the implementation of Umoja creates.

UNIDIR has **considered and has discarded the possibility of opting out of Umoja**, as UNITAR has done, following discussions with an alternative service provider (UNOPS). Initial discussions have indicated that an alternative service provider would have at least the same costs as being administered by UNOG—or perhaps higher.

In 2012, the **Deputy Secretary-General requested that UNIDIR "submit a proposal to the Secretary-General, outlining a sustainable funding structure**, comprising regular and extra-budgetary funding, required to achieve UNIDIR's mandate and objectives." UNIDIR and the Board of Trustees submitted such a proposal in 2013. The Board of Trustees notes that no response has been received from the Secretariat concerning the Sustainable Funding Structure proposal.



The Government of France has convened a "Friends of UNIDIR" group in both New York and Geneva, comprising 30+ states who have committed to securing the political and financial support for a sustainable institute.

## **5. What is the Board advising the Secretary-General to do now?**

### **1. Recommend and actively support a larger Regular Budget subvention**

When Member States established UNIDIR, they agreed that the Institute's activities were to be voluntarily funded, while providing a mechanism for regular budget funding to contribute towards institutional staff costs. This is codified in Article VII.1 of UNIDIR's statute, which states that voluntary contributions shall form the principal source of the Institute's financing and Article VII.2, which provides that a "subvention towards meeting the costs of the Director and the staff of the Institute may be provided from the regular budget of the United Nations, not to exceed an amount equivalent to one half of the assured income of the Institute from voluntary sources in respect of the year for which a subvention is being requested." Over the years, the real value of the subvention has eroded to the point that it currently does not cover the standard costs for a Director (D-2) (see annex 2).

The principle of increased regular budget support to cover the costs of the Institute's core staff has been accepted for over a decade. In 2004, the Secretary-General considered the continuing need for a subvention for UNIDIR and concluded that the regular budget subvention was "vital for ensuring the independent and continuous nature [emphasis added] of the Institute's normal functioning"<sup>4</sup>. In that same report he noted "... the question of the regular budget support for autonomous research and regional institutions/centres has continued to be decided on a case-by-case basis, taking into account such special circumstances and considerations, existing in each case."

The Office of Internal Oversight on 14 June 2005 issued an audit report (AE2004/385/01) recommending that UNIDIR, with the support of the Board, "seek enhanced financial support from the regular budget". In 2005, the General Assembly adopted resolution 60/89 recommending that the Secretary-General implement the recommendations of the Office of Internal Oversight Services and the decisions of the UNIDIR Board of Trustees that the costs of the core staff of the Institute be funded from

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<sup>4</sup> See A/C.5/59/3/Add.1



the regular budget, and that ways to increase funding within existing resources continue to be sought. Since 2005 (A/60/285), the Board has recommended that the amount of the subvention be increased to cover the costs of the Director and the staff of the Institute. In 2010, the General Assembly repeated that call in resolution 65/87. Support has also been expressed by individual Member States for greater regular budget support for the core staff of the Institute.

Almost since its establishment, UNIDIR has delivered valuable, high impact research and analysis, despite being chronically under-resourced. Umoja rollout in late 2015 means that this is no longer an option. While all institutional activities and projects will always be funded from voluntary contributions, the only stable and sustainable option for funding the institutional framework for these activities is to increase the subvention from the UN regular budget to cover the entirety of the annual Institutional Operations Budget. The Board recommends that such increase be included in the Secretary-General's proposed programme budget for the biennium 2016–2017. As the preparatory process for the budget is already well advanced, this would require guidance from the Secretary-General to the Controller and the Budget Division.

## **2. Actively explore whether and how the UN Secretariat can serve as a guarantor for a portion of the Revolving Capital Fund.**

Unlike the annual IOB, the Stability Fund is a **one-time campaign**. Once secured, the Stability Fund serves as a reserve that the Institute can use to secure against contractual indemnities, to advance funds while awaiting the reception of a pledged contribution or payment, or when contributors are unable to pay until completion of the activity. In all cases, the Stability Fund is always replenished—it is not spent, only advanced and repaid by the Institute itself. In sum, the Stability Fund addresses the insecurities due to cash flow issues.

While the fund has been established and has received its first contribution, the Campaign will require time to bear fruit and some sort of bridging funds will be necessary upon introduction of Umoja until the Campaign reaches its goal of 1 million USD.

## **3. Actively support finding flexible contractual mechanisms for the engagement of consultants and institutional partners and for hiring and retaining institutional staff.**

As already noted above, in order to put in place a sustainable business model for UNIDIR, and in line with the Institute's statute, flexibility on the

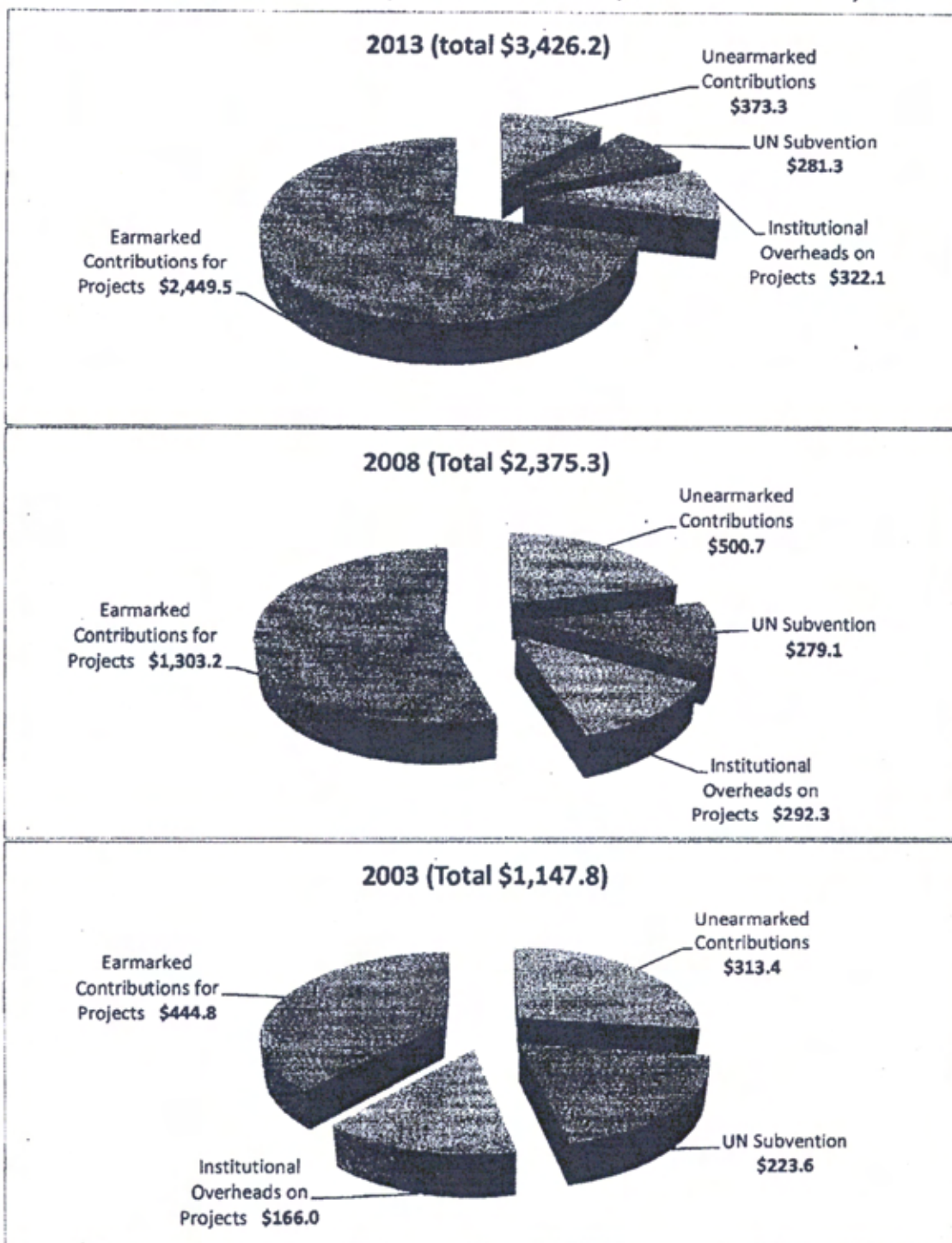


part of the UN Secretariat is needed on contractual modalities for consultancies and institutional contracts; as well as to put in order the contractual status of long-serving institutional staff.

Furthermore, UNIDIR's statute states that the conditions of service of the Director and the staff shall be "those provided in the Staff Regulations and Rules of the United Nations", however "subject to such arrangements for special rules or terms of appointment as may be proposed by the Director and approved by the Secretary-General". That Member States included this clause in UNIDIR's statute indicates that they were cognisant that more flexible contractual arrangements might be necessary and appropriate for the Institute. The Board called for that option to be actively explored.

## Annex I. Funding trends

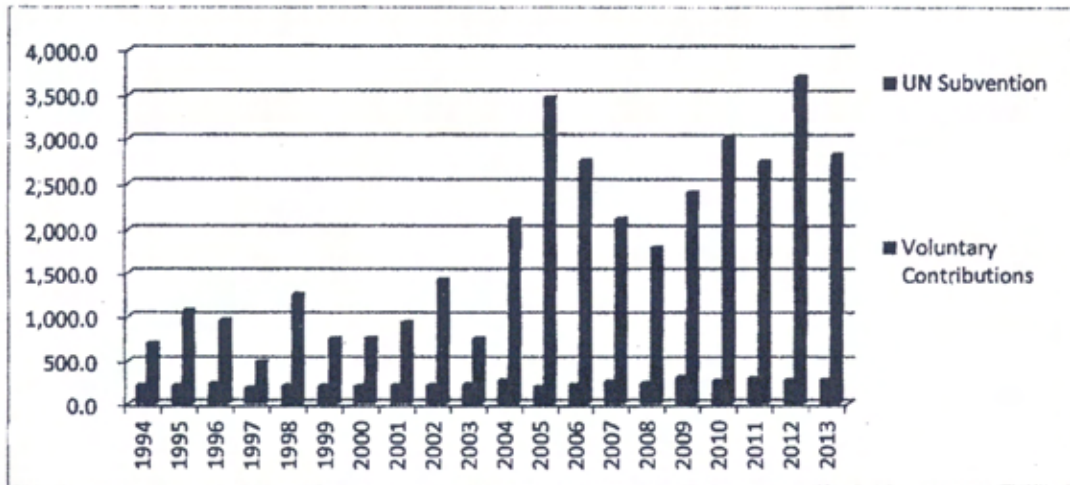
### Project and Activities (earmarked) Contributions vs Institutional Operations (non-earmarked) Contributions *(in thousands USD)*



\* Subvention is granted for the biennium. For these indicative figures, total biennium subvention was divided in half.



**Annex II. UNIDIR's annual voluntary income vis à vis the subvention**  
*(in thousands USD)*



Budapest, March 2, 2015

**H.E. Ban Ki-moon**  
**Secretary-General of the**

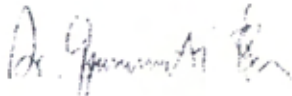
**United Nations Organization**

**New York**

**Dear Mr. Secretary-General,**

Attached, please, find my report on the 63<sup>rd</sup> session on the Advisory Board on Disarmament Matters.

Best regards,



**Dr. Gyarmati Istvan**  
Ambassador, Chair  
SG's Advisory Board on  
Disarmament Matters



**Chairman's Summary on the Work of the Secretary-General's  
Advisory Board on Disarmament Matters at its 63<sup>rd</sup> Session**

Geneva, 28 to 30 January 2015

**Summary**

Mr. Thomas Markram delivered the opening remarks to the Advisory Board on behalf of the High Representative for Disarmament Affairs in connection with the three substantive agenda items. The Board exchanged preliminary views on (1) the role of arms control in managing conflicts. (2) New challenges to disarmament and the increasing role of non-state actors and on (3) the humanitarian consequences of nuclear use.

In its capacity as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR), the Board heard a briefing from the Director of UNIDIR on its programme of work, budgetary situation and other administrative issues. The Advisory Board also received a briefing from Mr. Desmond Bowen on an institutional assessment of substantive administrative challenges faced by UNIDIR as well as on other questions raised in the Terms of Reference provided by the Advisory Board<sup>1</sup>.

**The role of arms control in managing conflicts**

The Board had preliminary discussions on the role of arms control in managing conflicts as requested by the Secretary-General. To facilitate the discussion, the Secretariat circulated food-for-thought papers prepared by the following Board members: Ms. Anita Freidt entitled the "Role of Arms Control in Managing Conflict." Additionally, the Advisory Board heard a brief presentation on the topic by Mr. Glenn McDonald, Senior Research at the "Small Arms Survey" a non-governmental organization affiliated to the University of Geneva.

Mr. McDonald gave a short presentation which included a very brief overview of the work of the Small Arms Survey which includes independent, policy relevant information and analysis on small arms and armed violence, the support of governments and. The Small Arms survey also works closely with the United Nations system and other partners. The presentation covered information on support for the UN's small arms process (UNPOA) the tracing of small arms and stockpile management among other things.

In response to a question from the Board member about the movement of small arms from legitimate sources to armed groups in conflicts, Mr. McDonald first provided background information on the definition of small arms and reviewed the basic concepts of tracing these arms such as the identification of weapons based on physical characteristics, transfer history, marking, record-keeping, and international cooperation in tracing. The presentation also covered relevant issues such as the application of

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<sup>1</sup> The report of the Board of Trustees of UNIDIR and its recommendations see separate letter.

tracing techniques during peacekeeping, post-conflict security promotion; arms embargo monitoring, DDR and security sector reform.

The Advisory Board addressed a number of questions to the guest speaker which related to the role of peacekeeping and capacity building, and important differences between various regions on the issue of small arms control (South East Asia and North East Asia ect.)

The Board noted that small arms often fell into the hands of armed groups through stockpile looting as has been the case in Somalia and other failed states. Other established patterns of illegal transfer of arms included through corruption of government officials, criminal activity and generally through insurgency. It was also noted that had brokers played an instrumental role in the illegal movement and transfer of arms to areas of armed conflict through the use of false import or export documentation. It was pointed out by some members of the Advisory Board that governments were often complicit in the transfer of large amounts of arms deliberately supplied to non-state actors that had fuelled armed conflict in certain areas.

The role of capacity building in arms control was briefly discussed by the Board in the context of the presentation. Reference was made to Security Council resolution 2117 (2013) which encouraged States, intergovernmental, regional and sub-regional organizations that were in a position to do so to render assistance in capacity-building to enable States Parties to fulfil and implement the Arms Trade Treaty's obligations.

Following the discussion of the role of arms control in managing conflicts, the Chair suggested that perhaps this topic could be merged with the topic on new challenges to disarmament and the role of state actors given the fact that there were large areas of overlap between the two topics. It was noted in this connection that there was substantial involvement of non-state actors in the issues discussed under both topics.

There were differing views regarding the proposal to merge the two topics with some supporting the merger and others opting to keep the original topics. One Board member underlined importance of keeping separate topics on arms control and non-state actors stating that the increasing role of non-state actors and the need to resolve conflict were two entirely separate issues that needed to be discussed on their own and not combined.

Due to the preliminary nature of the discussions, the Advisory Board did not come to any specific conclusions or offer any recommendations on the topic at this stage and will continue the discussion at its second session in 2015.

#### **New challenges to disarmament and the increasing role of non-state actors**

To facilitate the discussion, the Secretariat circulated food-for-thought papers that had been prepared by the following Board members: Ms. Rut Diamint and Mr. Eboe Hutchful



members of the Advisory Board. The Advisory Board also heard a presentation delivered by Ms. Milena Costas, a guest speaker from the Geneva Academy.

The Board exchanged views on the increasing role of non-state actors in the context of new challenges to disarmament. The discussions were preceded by a short presentation by Ms. Costas who briefed the Advisory Board on a broad range of issues to be considered in addressing the topic.

One Board member suggested that the Board should first start by focusing on defining and identifying the "new challenges" to disarmament. Of particular interest to the Board was the guest speaker's reference to the use of drones in the Middle East conflict by non-state actors such as Hezbollah and ISIL. While the use of drones had been confirmed, it was not known whether these drones were armed. Irrespective of whether they were, in fact, armed, the use of drones by such groups was seen as a matter of concern that needed to be addressed. One Board member suggested that a discussion of the use of autonomous weapons would be an interesting approach to take in discussing the topic.

The Board noted the suggestion of one of its members that in discussing the topic, one should be careful about the terminology used and that the term "non-state actors" needed to be clearly defined. It was noted in this connection that, in many cases, non-state actors were tied to governments and often acted on their behalf. There was some discussion as to whether the focus of the Advisory Board should be confined to paramilitary groups. In this regard, it was noted that there were certain non-governmental organizations and groups that could warrant some attention. It was generally agreed that, for the purposes of this discussion, the Board should focus exclusively on armed groups.

There was some discussion on the origins of some of the conflicts involving non-state actors with one Board member emphasising the importance of understanding the "causal aspect" of the conflicts involving non-state actors. One Board member expressed the view that the conflicts in the Middle East region were really religious wars in nature involving Muslims and Christians in some cases. He cited the involvement of Iran, Pakistan, Saudi Arabia, the United States and others who had supported various groups (Hezbollah, Shiite, Sunni etc.). Another member cautioned against characterizing the conflicts as religious in nature. The Middle East, he said was also rather sensitive about any linkages made between religion and terrorism, underlining moreover, that some governments in the region had used religion for political purposes. He suggested that these governments should take responsibility for their involvement with non-state actors.

It was noted that, in a number of instances, governments had supplied weapons to non-state actors, resulting in a spill-over effect with these weapons falling into the hands of armed groups in conflicts further afield. Examples cited were Libya and throughout the African continent where arms provided to groups in one specific conflict had finally ended up being used in other unrelated conflicts elsewhere. This prompted discussion as to whether the supplying governments could be held liable for the effects of these arms transfers.



One Board member commented that "it was amazing how no lessons had been learned over the years" about the provision of weapons to non-state actors (rebels, insurgents etc.) to achieve certain political objectives. Another Board member, citing his "food for thought" paper stated that it was impossible to have an effective discussion without also looking into the role of states and their involvement with non-state actors. His view regarding the involvement of governments was supported by another member both in her own "food for thought" paper and during the debate.

There was a brief discussion on the question of whether or not one should negotiate with non-state actors to achieve certain disarmament objectives. There were differing views on this question with one Board member expressing the view that it was impossible to negotiate with non-states actors except from a position of strength. In any case, he surmised that, in many cases, the demands of non-state actor were non-negotiable and it was simply inappropriate to engage in any form of negotiations under any circumstances. He cited, for example, calls for the imposition of "Sharia Law." In support, another Board member stated that one could not, for example, make an agreement with "Boko Haram," a group that had "broken all the rules." Another Board member took a slightly different view, stating that in certain cases, it might be worthwhile entering into negotiations with non-state actor where the ultimate goal whether political or otherwise was, indeed, achievable and could substantially contribute to peace and security. It was noted in this connection that there was disagreement, even among the P-5, about the approach to take when dealing with non-state actors.

There was some discussion as to how one might effectively target non-state actors. There was general agreement that intelligence should be improved and that there should be more cooperation among states. In this regard, it was noted that the European Union had already accomplished this with very good results. In considering the issue of targeting non-state actors, the Board noted that, while sanctions such as embargoes might be effective in dealing with states and governments, this was not the case with non-state actors which do not always come within the purview of national laws and regulations. The Board recognised the importance of and the need to effectively target non-state actors in view of the new challenges they posed to the objectives of disarmament.

Due to the preliminary nature of the discussion of this topic, no conclusions could be drawn as the topic warranted further in depth discussion at the sixty-fourth session of the Advisory Board in July 2015.

### **The humanitarian consequences of nuclear use**

The Board had introductory discussions of the humanitarian consequences of nuclear use and to facilitate the discussion, the Secretariat circulated food-for-thought papers prepared by Mr. Sung-joo Choi, Ms. Anita Freidt and Ms. Togzhan Kassanova. The Secretariat also invited Mr. John Borrie of UNIDIR to deliver a short presentation on the topic and briefly participate in the Advisory Board's discussions.



The initial discussions of the Board on the humanitarian consequences of nuclear use were of a preliminary nature with a number of differing viewpoints emerging on the subject. Some Board members noted that it was not surprising that there would be number of different views on the consequences of nuclear use. One member of the Advisory Board encouraged his colleagues to focus on the areas of agreement rather than looking into those areas of the debate where consensus would be difficult to achieve. In response, the chair opined that the lack of consensus might not a bad thing differing points of view presented a "good challenge" that would make for an interesting and comprehensive discussion.

Problems relating to some of the historical facts underpinning the humanitarian approach to nuclear disarmament were highlighted by one Board member who underlined the importance of separating facts from fiction with regard to any discussion of this topic. It was pointed out that much of the facts used to support the humanitarian approach were questionable in parts and based on information gathered more than forty years ago.

It was also noted that the lack of transparency on the part of nuclear weapons states had contributed to the clouding of some of the facts surrounding the use and testing of nuclear weapons. It was pointed out in this connection that many of the historical accounts of the use and testing of nuclear weapons and their effects were not necessarily accurate and that one needed to tread cautiously when addressing the consequences of nuclear use.

It was pointed out that, over the years, nuclear safety had greatly improved through many new technological advances that had nuclear use increasingly less dangerous. One member of the Board noted in this connection that most nuclear weapon states were taking adequate measures to ensure that nuclear facilities were operating safely. Another Board member emphasised, however, that despite such technical advances, there had been several incidents involving the recent use of some rather old nuclear technology.

The Advisory Board looked into the value added by discussion of the topic and the possible role of the Board in the debate. It was agreed that the Board would need to engage in more in depth discussion on the subject before drawing specific conclusions. One Board member urged colleagues to be cautious about the damage control efforts of nuclear weapons states and rigorously examine the counter-arguments posed by opponents who choose to ignore these efforts.

The Board noted that, in recent times, an increasing number of States had adopted the humanitarian approach to arms control and disarmament with respect to certain weapons, and noted, in this connection, the adoption of conventions on anti-personnel landmines (APL) and cluster munitions. This approach was now being extended to include nuclear weapons with three international conferences on the humanitarian consequences of the use of nuclear weapons organized by Austria, Mexico and Norway. It was also noted that the Fukushima nuclear incident had given a rather strong impetus to the humanitarian approach movement.

The view that the humanitarian approach would endanger or undermine the NPT was briefly discussed. While there were differing opinions on the subject, most members did not see this as a serious possibility.

Responding to the divergence of views on the topic, one Board member suggested that one could better appreciate the humanitarian approach to disarmament by looking at it from the perspective of victims. Too often, she said, people were disconnected from the issue and could not fully appreciate the consequences of nuclear use.

One Board member noted that attitudes on the whole nuclear issue had changed dramatically over the years, pointing out that India and Pakistan had tested nuclear weapons in 1998 and were sharply criticized by many at that time. Now, he said, many years later, India was invited to participate in the Nuclear Suppliers Group (NSG). Another member warned against the compartmentalization of arguments by bringing in some states (India and Pakistan) while keeping out others such as the DPRK. Such compartmentalization, he said, would lead to the demise of the NPT.

Given the importance attached to the humanitarian approach to disarmament, it was suggested that the Board could recommend to the Secretary-General that he commission a study by UNIDIR on the humanitarian consequences of nuclear use.

Since the discussion of this topic was preliminary in nature, no conclusions were reached on the humanitarian consequences of nuclear use during the Sixty-first session of the Advisory Board.

The Advisory Board decided to deepen its work between sessions in order to better prepare for its final discussion on these topics. With this in mind the Board decided to create "working groups" addressing each of the three topics and requested the Director of UNIDIR to provide an expert from UNIDIR to support these working groups. The Director happily agreed.