

REVIEW OF MULTILATERAL DISARMAMENT MACHINERY

Summary

(i) This research paper was commissioned to examine possible avenues such as an SSOD IV for reviewing multilateral disarmament machinery. The paper weighs policy options for initiatives for change. It does not attempt in any depth to assess changes in the international security environment that might be more conducive to measures for reform.

(ii) Annexes contain brief details of SSOD I's chapter on disarmament machinery; areas needing reform, particularly in the Conference on Disarmament; and a list of abbreviations. Please note that this paper does not dwell in any detail on those aspects of disarmament machinery that are in need of review. It focuses instead on the mechanisms that could be used to carry out reviews of malfunctioning machinery. There is a special focus on the CD.

(iii) The paper concludes that, although it will be difficult to convene, a special session of the General Assembly is probably the only review body that can effect changes to multilateral disarmament machinery. Self-review, for example by the CD, is a viable option but consensus on worthwhile reforms is likely to be elusive. The utility of various other options is confined to their ability to keep the focus on the issues rather than actually serve to resolve them.

Structure of the paper

- (a) **Background** to the development of today's disarmament machinery (pages 2–3)
- (b) **Avenues** for reviewing disarmament machinery (pages 3–18)
 - i) SSOD IV, including relevant background on the convening of the three previous SSODs
 - ii) "Streamlined" SSOD IV
 - iii) General Assembly avenues other than Special Sessions
 - iv) General Assembly resolutions reviewing SSOD I decisions
 - v) Studies initiated by the General Assembly
 - vi) A "world disarmament conference"
 - vii) Specialist panels, commissions, Special Envoys, GGEs, etc
 - viii) UN Secretary-General
 - ix) Self-review: a special rapporteur for the CD
 - x) Ad hoc processes
 - xi) Financial constraints; funding
- (c) **Conclusions** (pages 18–20)
- (d) **Annexes 1 and 2**

(a) Background

1 The period prior to the convening of SSOD I was notable for US and USSR bilateral negotiations outside the UN framework to limit their strategic nuclear capabilities. In Europe, NATO and Warsaw Pact states also conducted negotiations outside any UN framework on reductions in their forces. The adoption of the NPT in 1968 was not sufficient to overcome concerns particularly among developing countries about their ability to influence the cessation of the arms race, and about global military expenditures far exceeding global expenditures on health, education and economic development.

2 Responding to the urgings of UN Secretary-General U Thant, the General Assembly in 1969 adopted a resolution¹ calling for an intensification of efforts to end the nuclear arms race, for a treaty on general and complete disarmament under strict and effective international control, for redoubling of efforts by the CCD (the CD's predecessor) to this end and for consideration to be given to channelling resources freed by disarmament measures to promote economic development. The resolution also reaffirmed "the responsibility of the United Nations in the attainment of disarmament" and declared the 1970s to be a Disarmament Decade.

3 Although the CCD began addressing the CTBT and CWC from 1972 onwards, the NAM continued to feel marginalized in their ability to put pressure on the nuclear-weapon states (NWS) through the United Nations. In 1976, the General Assembly deplored the "meagre achievements" of the first Disarmament Decade in terms of truly effective agreements, and decided largely at the NAM's initiative to hold a special session in 1978 devoted entirely to disarmament. The aim of the session was to chart a more inclusive course in international affairs, dissuade states from entering the nuclear and conventional arms race, and obtain agreement on a global strategy for disarmament.

4 The first special session on disarmament, held at UN headquarters from 23 May to 1 July 1978, was the first time the international community had achieved a consensus on a comprehensive disarmament strategy. (The machinery chapter of the Final Document² adopted at the session is summarized in annex 1 of this paper.) Two more special sessions devoted to disarmament took place in 1982 and 1988 but did not succeed in producing agreed final documents. In December 1994, the General Assembly decided in principle that SSOD IV should be convened in 1997—a decision confirmed in 1995.³ It did not take place although such a session remains in the General Assembly's contemplation.

5 It is fair to say that the UN institutions set up by the General Assembly at SSOD I have been no more successful in the post-Cold War period than their antecedents were during the Cold War. The initiatives of UN Secretary-General

¹ Resolution 2602E (XXIV) of 16 December 1969.

² S-10/2; see <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/NR0753/40/IMG/NR075340.pdf?OpenElement>>.

³ Resolution 50/70 of 12 December 1995.

Ban Ki-moon in convening a High-level Meeting⁴ on 24 September 2010 and requesting a follow-up meeting of the UN General Assembly chaired by then President Joseph Deiss on 27 July 2011 have yet to bear fruit. Reviewing progress in taking forward multilateral disarmament negotiations is nonetheless firmly on the General Assembly's agenda thanks to Swiss, Dutch and South African efforts⁵ via resolution 66/66. In this regard, paragraphs 5 and 7 are of particular relevance to this paper:

The General Assembly ... 5. Invites States, in the appropriate forums, to explore, consider and consolidate options, proposals and elements for revitalization of the United Nations disarmament machinery as a whole, including the Conference on Disarmament; ...

7. Recognizes the need to take stock, during the sixty-sixth session of the General Assembly, of all relevant efforts to take forward multilateral disarmament negotiations.

(b) Review Avenues and Options

i) Convening SSOD IV

6 International bodies generally do not reinvent themselves in the absence of universal support to do so. The status quo tends to be the default option. In the absence of any dramatic revitalization of components of the multilateral disarmament machinery, it is difficult not to conclude that systemic change must be initiated by the UN General Assembly through a special session devoted to disarmament or otherwise. Given its universal nature, the General Assembly is fundamental to advancing the cause of disarmament and non-proliferation.

7 The UN Charter empowers the General Assembly to consider the general principles of cooperation in the maintenance of international peace and security, including "the principles governing disarmament and the regulation of armaments" and may make recommendations to its members and/or the Security Council. The General Assembly may also discuss questions relating to the maintenance of peace and security brought before it by any of its members.⁶ And it should be recalled that the very first resolution adopted by the UN General Assembly in 1946⁷ established an Atomic Energy Commission to make proposals for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

8 The 1946 resolution also decided that the Commission should make proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction." Although the Atomic Energy Commission was subsequently absorbed into a Disarmament Commission in 1952, the role of the General Assembly in creating multilateral disarmament machinery stems from the earliest days of the United Nations.

⁴ On "Revitalising the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations".

⁵ Resolution A/RES/66/66.

⁶ Article 11.1 and 11.2.

⁷ see <www.icanw.org/1946>.

Moreover, it has shown itself willing in the past to reconfigure that machinery when it proved ineffective, as was the case with the 1952 Disarmament Commission. Interestingly, the gradual trend noted above of removal of disarmament issues from the collective discussion table at the United Nations in favour of smaller groups and forums⁸ created the developing country backlash that led to the convening of SSOD I. Echoes of this concern can be heard even today in the CD, voiced by some G-22 members fearful of suggestions that fissile material negotiations should be removed from the deadlocked Conference and conducted elsewhere.

9 The background to the convening of the first special session on disarmament is in any event directly relevant to the question of convening a fourth such session. Ambassador Alfredo Labbé (Chile), chair of the open-ended working group (OEWG) established by the General Assembly in 2006 to consider the case for a fourth special session, observed that, to command comparable political authority to the 1978 SSOD, "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".⁹

10 There is more to Labbé's point than meets the eye. The OEWG struggled not only to overcome trenchant opposition to a further SSOD from the United States (Bush administration) but also with conflicting positions on the purpose to be served by such a meeting. In essence, a number of developing countries saw the value of a fourth session lying in the opportunity to reaffirm the outcome of SSOD I which in their eyes helped "universalize" disarmament diplomacy compared to earlier trends. On the other hand, amongst other members there was a clear aversion to a backwards-looking approach: the world has changed since SSOD I and thus a forward-looking perspective addressing new threats and challenges was needed. And anyway, serious flaws had developed in the machinery decided in 1978 or at least in the manner in which it was being utilized.

11 Can a fourth SSOD "add value" in the manner envisaged by Labbé? Is the risk of a failed special session too great? On the other hand, can the cause of multilateral disarmament diplomacy afford the chronic lack of productivity of elements of its machinery such as the CD and UNDC? The longer, for instance, that the CD is stagnant, the more its days may be numbered, overtaken perhaps by a growing tendency to pursue ad hoc processes to deal with issue-based concerns. What is to be lost by convening a well-prepared SSOD IV?

⁸ Security Council Report, "Cross-Cutting Report No. 2 The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction", 1 September 2009.

⁹ General Assembly, *Report of the Open-ended Working Group*, UN document A/AC.268/2007/2, 31 August 2007, annex I; see also J. Langmore, "The possibility and potential value of holding a Fourth Special Session on the UN General Assembly on Disarmament", International Commission on Nuclear Non-proliferation and Disarmament.

12 SSODs I, II and III: Before addressing questions of that kind, it is necessary to set the three previous SSODs in context. The **Final Document of SSOD I** did a number of things. It stressed the central role and primary responsibility of the United Nations in the field of disarmament and contained specific measures aimed at strengthening the machinery dealing with disarmament within the UN system. It set out goals, principles and priorities in the field of disarmament, stating significantly that while the final objective should continue to be general and complete disarmament under effective international control, the immediate goal was the elimination of the danger of a nuclear war and the implementation of measures to halt and reverse the arms race, the longstanding top priority of the CD. In a “Programme of Action”, SSOD I called for agreements to be pursued on a bilateral, regional and multilateral basis. On machinery, the Final Document noted the urgency of revitalizing the disarmament machinery and outlined the consensus reached on the forums mentioned in annex 1 of this paper. Implementation, however, of this ambitious outcome fell prey to a subsequent deterioration in the international situation.

13 SSOD II took place from 7 June to 10 July 1982 in a tense global environment. At the time of the first special session in 1978, the General Assembly had reaffirmed the goal of general and complete disarmament (GCD), a concept first placed on the General Assembly’s agenda in 1959.¹⁰ GCD subsequently was paralleled, if not overtaken, by another approach, the comprehensive programme of disarmament placing partial measures of disarmament into a careful plan covering objectives, priorities and timeframes, with a view to the achievement of disarmament on a progressive basis. SSOD II failed in its efforts to convert the strategy of the 1978 Programme of Action into a comprehensive programme of disarmament. Nevertheless, it reaffirmed the validity of the Final Document of SSOD I, including the need for strengthening the central role of the United Nations in the field of disarmament, for implementing the security system provided for in the UN Charter, and for enhancing the effectiveness of the multilateral negotiating body, the CCD. (Incidentally, the CCD and then the CD worked on a draft comprehensive programme of disarmament until 1989 when negotiations were suspended until circumstances became more propitious for progress. This point is mentioned simply for the sake of completeness, i.e., potentially, the issue of developing a comprehensive programme of disarmament would rear its head again at a fourth special session.)

14 SSOD III took place from 31 May to 25 June 1988 against the background of a considerably improved international climate following the breakthrough summit meeting between Presidents Gorbachev and Reagan in October 1987 at which the INF Treaty had been signed. Member States were unable, however, to reach consensus on a final document that would have set the pace and direction for future disarmament and arms control negotiations.

¹⁰ Resolution 1378 (XIV) of 20 November 1959, co-sponsored by all Member States.

15 The fact that a fourth special session has still to be convened over 17 years since such a meeting was first foreshadowed¹¹ by the General Assembly is testament to the sensitivity that surrounds such a meeting. The idea has not died—for instance, the report of the ICNND (Evans-Kawaguchi Commission) recommended that consideration be given to the holding of a special session on disarmament “late in 2012” if, on reflection, momentum stemming from the 2010 NPT Review Conference was judged to justify the resources and effort involved.¹² More significantly, a General Assembly resolution of January 2011¹³ introduced by Indonesia on behalf of the NAM and adopted without opposition, charged a new OEWG, working “on the basis of consensus”, with providing a report and recommendations before the end of the upcoming 67th session of the General Assembly. That working group has yet to be convened, complicated by the lack of emergence amongst the NAM of a possible chairperson, an unfortunate and perhaps telling indication of the political sensitivity and demands of the task.

16 Although no state opposed the adoption of the NAM resolution, there were five abstentions including those of France, the United Kingdom and the United States (P3). In a combined EOY, one of the reasons the P3 gave for their abstention was doubt over the mobilization of extra-budgetary resources in an already constrained financial climate. By way of a relevant aside, the other reason given by the P3 was their concern that the resolution pre-judged the outcome of the exploration by the UN Secretary-General’s Advisory Board on Disarmament Matters of possible options to revitalize the disarmament architecture. In the event, the Advisory Board had mixed feelings about an SSOD IV. In its July 2011 report to the Secretary-General, it noted that “such a meeting would require consensus in order to succeed and that convening it would not be productive at this time. It was also pointed out that any attempts at replacing the Conference on Disarmament would have to be done by the General Assembly at a fourth special session”.¹⁴ The views of the Advisory Board on possible *other* ways forward, drawn from that report, will be covered shortly.

17 The issue of resources raised by the P3 masks a more deep-seated aversion among the NWS to any challenge to the status quo. The price paid for avoiding outright opposition by the P3 to the NAM’s push for an SSOD IV is the inclusion of an explicit reference to consensus in the resolution sponsored by Indonesia. It suits some of the NWS, and certainly the P3, that issues such as nuclear disarmament, NSAs and outer space are bottlenecked in the CD. Like a number of other members of the CD they are uncomfortable too about the prospects that a challenge might be mounted, through an SSOD IV, to the CD’s consensus rule which they choose to treat as akin to a veto. (By the same token it might be asked whether those NWS that are pressing for an FMCT negotiation are really serious about pursuing that issue, and if so, whether they are

¹¹ See resolution 49/75I of 15 December 1994, <www.un.org/documents/ga/res/49/a49r075.htm>.

¹² Recommendation 67, p. 262, “Eliminating Nuclear Threats”.

¹³ A/RES/65/66.

¹⁴ General Assembly, *Work of the Advisory Board on Disarmament Matters: Report of the Secretary-General*, UN document A/66/125, 11 July 2011, paragraph 22.

sufficiently patient and confident that negotiations will ultimately be conducted in the CD? It has been telling in this regard that its P5 colleagues have persuaded the United States not to pursue those negotiations outside the CD, at least for the time being.)

18 This paper assumes that notwithstanding the rule that “important questions” in the General Assembly shall be decided by a two-thirds majority of members present and voting,¹⁵ consensus, as used at SSOD I would also be required at an SSOD IV to ensure full “buy-in” to decisions of the nature of those taken at the first special session. Challenging the practice of taking decisions of special sessions by consensus is unlikely to be successful. In that case, protecting the CD from possible reform by an SSOD IV would seem not to be an insuperable problem for the NWS in a special session operating only by consensus. Indeed, under a consensus rule what could possibly develop at a special session that would undercut the interests of the P5 individually or singly (accepting that they are not always working in unison)? Nonetheless, are there no opportunities that could be pursued that might result in modest but significant reform of existing disarmament machinery, for example, streamlining the CD’s agenda or enlightening its approach to the rules on programmes of work, rotation of the presidency, involvement of civil society, expanding the membership, etc?

19 Questions such as those are not easy to answer, but posing them has a useful purpose in itself. It serves to concentrate on defining the objectives of a special session instead of on possible pitfalls. For instance, if one focuses on the scope of a special session, SSOD IV can be conceived of as having several levels. It could be an all-encompassing review of previous special sessions as well as an exercise in factoring in possible responses to current and likely future security threats. Everything would be on the table. Obviously, the more that is on the table, the greater would be the uncertainty about the outcome—thus increasing anxiety levels among the major powers. The more extensive the agenda, the greater the difficulty in securing a consensus outcome. Equally, the greater the resources that would need to be employed for proper preparations and for what would likely be a lengthy session of a month based on the three precedents.

ii) “Streamlined” Special Session

20 On the other hand, a more precise and constrained mandate for the special session might help to lower the stakes politically. There would be a commensurate reduction in anxiety levels of the major powers, as well in the necessary resources if, instead of a month, a tighter timeframe was used. What would a tighter agenda or mandate look like? There are several possible approaches. The focus could be confined to matters of disarmament machinery, but would need to be sensitive, for example, to concerns mentioned earlier about modifying the consensus rule in the CD. This is not to suggest that a review of the consensus rule be excluded from the mandate of an SSOD IV, rather that it be treated in such a way that makes it clear that the objective is not to supersede it but to clarify the original intentions of the General Assembly in SSOD I. One

¹⁵ See especially article 18 of the UN Charter.

approach would be to address it in a general manner, e.g., “decision-making in multilateral disarmament, non-proliferation and arms control negotiations and forums”.

21 A narrow mandate dealing with disarmament machinery might also be cast in such a way as to draw attention to the unnecessarily restrictive interpretations being placed on some of the CD’s rules of procedure mentioned earlier. The difficulty, however, is that for so long as it suits influential CD members to fall back on literal interpretations of the rules as the means to block progress on matters of substance, the chances of a dispassionate review of such rules are slim. If this line of approach encounters resistance—essentially because of its backward-looking, SSOD I orientation—might the mandate for an SSOD IV be cast as a forward-looking event dealing at the substantive level with emerging threats and challenges and their implications for disarmament machinery? And if so, what should be its objectives and how feasible would it be to secure a consensus on them? These questions are beyond the scope of this paper except to the extent that, irrespective of the meeting’s precise mandate, a fourth special session might nonetheless offer a forum for drawing attention to the unproductive state of current disarmament machinery. But utilizing the forum in this manner would be one thing; it would be another altogether to secure a consensus outcome on refining or revamping multilateral disarmament machinery.

22 How high are the odds for success? Two claims made by some NWS warrant discussion in this regard. There is the argument that the current security environment is not conducive to a major review of the kind that occurred in past special sessions. This assertion is usually coupled with the conclusion that it would not therefore be possible to reach a consensus outcome that would serve any useful purpose—“would not be productive at this time” is the phraseology recorded in the Advisory Board’s report mentioned earlier. A failed special session, this argument sometimes continues, would serve only to deepen doubts about multilateral disarmament diplomacy. Various responses can be made to these claims. First, the current security environment—e.g., concerns about the DPRK and Iran and broader proliferation worries, the absence of any hopeful signs for peace in the Middle East, tensions between nuclear-armed neighbours India and Pakistan, etc—may well complicate the chances of securing a consensus outcome of a special session. Certainly, as the ICNND made clear, an SSOD IV would need to be very carefully prepared. But, on the other hand, can the international community simply remain idle patiently awaiting the opening of the window of opportunity deemed conducive for such a meeting?

23 In any event, what are the real risks of failure to achieve a consensus outcome? It is true that a repeat of the outcomes of the second and third special sessions would be unfortunate, but clearly if those outcomes had been so damaging, 178 members of the General Assembly (with none against) would not have supported the resolution to convene an OEWG to consider the objectives and agenda for a fourth special session. Nor would they have expressed “deep concern” that such a session “is yet to be convened”. Bearing in mind Labbé’s

words that a fourth special session “must enjoy significant consensus (including all key players) and add value over and above what was accomplished by the first special session”, is it nonetheless not possible to envisage something rising from the ashes of such a meeting? Or as the saying goes, “better to have tried and failed than not to have tried at all”.

24 There may not be much political stomach for proceeding in the mere hope that positive elements will emerge from a failed session, but this depends on the degree of diplomatic investment available to be applied first of all in persuading the major powers that certain benefits are possible from holding a fourth SSOD, even of a modest kind, and then in building coalitions that can be sustained even beyond the session either for pursuing implementation of an agreed outcome in a concerted manner or for salvaging useful elements from a failed one. Quantifying the size of the diplomatic investment that would be needed is difficult, but based on interventions during the first month of the 2012 session of the CD it is clear that the groundwork laid by Switzerland, South Africa and the Netherlands in resolution 66/66 for taking stock of “all relevant efforts to take forward multilateral disarmament negotiations” has already struck a chord with members who are dissatisfied with the gridlock in that forum.

iii) General Assembly avenues *other than* Special Sessions

25 Members of the UN Secretary-General’s Advisory Board serve ostensibly in their personal capacities, and views expressed in Board reports to the UN Secretary-General are not attributed to states. Caution therefore needs to be exercised in drawing on such reports, the more so in this case because little if any unanimity was present. Nonetheless, Board members’ opinions and the degree to which fellow members contradict them can be instructive. For instance, “(g)iven the difficulties of internal reform, some members suggested that the Conference (on Disarmament) needed to be modified through external processes within the United Nations. While a high-level panel of eminent persons could provide recommendations for its revitalization, it was suggested that the only possibility to reform the Conference would have to come from the Assembly”. And, “(i)t was also pointed out that any attempts at replacing the Conference on Disarmament would have to be done by the General Assembly at a fourth special session”.

26 Those views were not represented as unanimous, but were not apparently contradicted. In any event, the second quotation should be seen only in the context of the word “replaced”—the idea for replacing the CD as opposed to bypassing it or reducing the length of its annual sessions until it can agree on a work programme is not the subject of any specific proposal. Nor is there any possibility that consensus could be achieved in an SSOD (let alone the CD itself) on a decision to “replace” the CD. The risk for the CD is that it will subside into a form of minimalistic usage, bypassed by “freestanding” or ad hoc diplomatic negotiations of the kind that produced the Mine Ban and Cluster Munitions Conventions. The possibility of modelling a negotiation for nuclear disarmament on the humanitarian imperative is under active consideration in civil society,

including in the Red Cross Movement, and has the attention of sympathetic states.

27 Replacement of the CD may not be likely, but the possibility of developing a parallel process, whether of a freestanding kind or under the aegis of the United Nations, has been in the public domain since at least 2005. Quoting again from the recent report of the Advisory Board:

It was also stated that the General Assembly could establish a negotiating body parallel to the Conference. It was stressed, however, that for such an effort to succeed, it would require a strong commitment to the negotiating process on the part of the Secretary-General, as well as the participation of relevant States. It was (also) suggested that it would be important to test the waters first by seeing if the First Committee of the General Assembly would be willing and able to adopt a strong resolution on the revitalization of the Conference at the next session of the Assembly.

28 The reference to testing the waters in First Committee for such a process was prescient. The proposal¹⁶ of Austria, Mexico and Norway is relevant in this regard even though it ultimately drew insufficient support to be tabled in the First Committee. It envisaged that the General Assembly would establish open-ended working groups in Geneva to carry work forward on the CD's core issues leaving it up to the General Assembly at its 68th session whether to extend the OEWGs, "taking into consideration progress on the adoption and implementation of a programme of work" in the CD. Although that proposal met the same fate as a six-nation initiative in the First Committee in 2005,¹⁷ it has served its purpose of increasing the pressure on CD members to find a way of getting the Conference down to substantive work once more. Whether it resurfaces may depend on the extent to which UN Member States are responsive to Swiss, Dutch and South African efforts to pursue the objectives particularly of paragraphs 5 and 7 of resolution 66/66 mentioned earlier. Paragraph 2 of Canada's General Assembly resolution 66/40 is also relevant here.¹⁸

29 Continuing with the notion of a parallel process in the General Assembly, this extract from the Advisory Board's report is relevant:

There was a suggestion that the General Assembly be used to enable negotiations on a fissile material cut-off treaty through a parallel process. One Board member pointed out that the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemicals Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty were all negotiated over the objections of at least one State. It was mentioned that, in the past, States objecting to certain treaties had been requested to stand aside, and that the same could possibly be done again in the case of negotiations on a cut-off treaty. Nevertheless, in order to do this, the possibility of negotiating a cut-off treaty would first have to be exhausted within the Conference.

That position begs several questions. The first is that it oversimplifies the situation regarding the question of inclusion or exclusion of stocks in a fissile

¹⁶ A/C.1/66/L.21/Rev.1.

¹⁷ see <www.reachingcriticalwill.org/political/1com/1com05/docs/draftelementsinitiating.pdf>.

¹⁸ Relating to options should the CD fail to agree to a work programme in 2012.

material negotiation. It depend on one's viewpoint as to whether Pakistan *et al* is blocking the CD or whether the blockage is the result of the inability of the United States *et al* to contemplate any explicit reference to the inclusion of stocks in the mandate.

30 Moreover, what is meant by first having to exhaust the possibility of negotiating an FM(C)T in the CD? There are no rules for determining the point of exhaustion. Although it is over 16 years since work last got underway on the Shannon mandate, the Advisory Board as a whole recommended to the UN Secretary-General that he "should persist in encouraging the Conference on Disarmament to seek all efforts to achieve a breakthrough to the continuing impasse". Moreover, the United States and perhaps all of the P5 seem to prefer to preserve the CD as an institution than to conduct fissile material negotiations outside it unless they could do so with rules of procedure akin to those of the Conference, especially on decision-making. If this is so, falling back on the General Assembly, with its decision-making rule for "important questions" of a two-thirds majority of members present and voting, is inherently an unlikely route for the pursuit of an FM(C)T negotiation.

31 This is a convenient point to return to the topic of using the General Assembly as a forum for reviewing multilateral disarmament machinery. There can be no doubt that the effectiveness of multilateral disarmament machinery is a matter within the scope of the UN Charter and that discussion of it in the General Assembly is appropriate in terms of articles 10 and 11 of the Charter.¹⁹ The General Assembly has already agreed—through resolution 66/66—to include the item "Revitalising the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations" in the provisional agenda of its next annual session. The opportunities provided therein to "review progress" on implementing the resolution and to "further explore options for taking forward"²⁰ those negotiations would seem wide enough to include coverage of avenues for conducting such a review as well as the focus and objectives of such negotiations. The groundwork for deepening the review of multilateral disarmament machinery has thus already been laid and can be pursued through the First Committee and the General Assembly later this year.

iv) General Assembly resolutions reviewing SSOD I decisions

32 Amongst the options involving the General Assembly but of lower status than an SSOD is the possibility of introducing a resolution by way of a "review of the implementation of the recommendations and decisions adopted by the General Assembly at its Tenth Special Session" (i.e., SSOD I). The words just quoted are from the heading to resolution 41/86 J (1986) under which the

¹⁹ Article 10: "The General Assembly may discuss any questions or any matters within the scope of the present Charter ... and may make recommendations to the Members ...".

Article 11.1: "The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armament, and may make recommendations ... to Members"

²⁰ Operative paragraph 8 of A/RES/66/66.

General Assembly, referring to the Final Document of SSOD I, reiterated the right of states not members of the CD to participate in the work of plenary sessions of the Conference on substantive questions. The subject matter of that resolution is not relevant to this paper, but the procedure used on that occasion bears consideration. For instance, a resolution under such a heading could be introduced referring to a particular aspect of the SSOD I chapter on disarmament machinery and requesting a certain action or activity. It is true that it is difficult to envisage an action or activity that could make an *immediate* difference to the current state of the disarmament machinery, but it might be possible to use this tool to draw attention to particular problems as an initial step towards more decisive efforts to resolve those issues.

v) Studies initiated by the General Assembly

33 In similar vein, article 13 of the UN Charter empowers the General Assembly to “initiate studies and make recommendations for the purposes of ... promoting international co-operation in the political field and encouraging the progressive development of international law and its codification”. This option has greater affinity with the work of the Sixth (Legal) Committee of the General Assembly than the First Committee. But there are many precedents in the disarmament arena. In 1959 the General Assembly requested the UN Secretary-General to undertake a study on the economic and social consequences of disarmament, with a focus on the need for international cooperation to cope with the problems of the effective utilization of human and material resources released by disarmament. In 1984 the General Assembly requested the UN Secretary-General to prepare a study on “Deterrence: its implications for disarmament and the arms race ...”. And a report by UN Secretary-General Boutros Boutros-Ghali in 1992 on “New dimension of arms regulation and disarmament in the post-cold war era” refers to 12 studies on disarmament issues, two of which related to matters of machinery (Report on the Register of Conventional Arms²¹ and Study on the Role of the United Nations in the Field of Verification²²).

34 The initiation of an article 13 study, say, on international disarmament machinery and on ways to make it more productive leading to negotiations on major multilateral disarmament issues, may not seem to be a sufficiently urgent response to the current situation, but it is an option nonetheless. It might have the effect, for example, of keeping the pressure on the CD to resolve its own problems. There would be resource implications, but these are unlikely to be on the order of options discussed elsewhere in this paper, particularly if UNIDIR were charged with carrying out such a study. If necessary, there could be a trade-off by which the costs of an initiative could be funded via a reduction of the CD’s annual session or the postponement by a year of the next session of the UNDC.

²¹ A/47/342 and Corr.1.

²² A/45/372 and Corr.1.

vi) A “world disarmament conference”

35 The machinery section of the Final Document of SSOD I provided that at “the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation”. Although no antecedent was referred to in the SSOD I outcome, the notion of such a meeting stems from a World Disarmament Conference that was convened in Geneva on 2 February 1932. Marking the 80th anniversary of that event, UNODA’s website²³ observes that:

[the] first disarmament conference of this scale was broadly supported by civil society from all over the world, nurturing the hopes of a public opinion deeply affected by the scars of the First World War. The delegates of 64 nations stood at a crossroads: either pursue efforts to maintain peace by collective security and reduction of armaments, as mandated by the 1919 Covenant of the League of Nations, or stand firm on the principle of sovereignty, which could only lead to an arms race. History shows the tragic consequences of the latter choice, made against a background of economic crisis and the radicalization of political ideologies. However, after the shock of the Second World War, it is on a renewed foundation, within a different context, that the United Nations continues multilateral negotiations.

36 Despite the final point made by UNODA, various suggestions in General Assembly resolutions for convening conferences on “nuclear dangers” or so forth, no momentum has developed towards even discussing the possibility of preparing for such an event. It may also be recalled that the Millennium Declaration included the resolution of the General Assembly to “strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers”.²⁴ The failure in 2005 of the World Summit marking the 60th anniversary of the United Nations to address disarmament in the outcome document has, however, cast serious doubt about the practicality of convening a world conference.

37 And in any event, the notion of a conference on “nuclear dangers” carries with it unhelpful baggage in the General Assembly. The annual General Assembly resolution on this topic²⁵ draws negative votes from Western and other states (totalling 49 in 2011) for reasons succinctly stated in Switzerland’s most recent explanation of vote on it:

... the resolution only requests the five nuclear weapon States recognized by the NPT to take action. In our view, the lowering of nuclear danger will only materialize if all countries possessing nuclear weapons review their doctrines and take steps to reduce the risks which are inherently linked with nuclear arsenals. In addition, this resolution falls short of references to key international treaties like the NPT and the CTBT. In our opinion,

²³ See <www.un.org/disarmament/content/news/fashioning_future_history/>.

²⁴ Paragraph 9, General Assembly resolution 55/2 of 8 September 2000.

²⁵ See General Assembly, *Reducing nuclear danger*, UN document A/RES/66/48, 12 January 2012.

these instruments are central to achieving the very goals of this resolution.

38 As an aside, and given the mention just made of the Millennium Declaration, it is worth bearing in mind in any initiative in this area that if a serious bid were to be mounted to convene an SSOD IV, arguments based on factors *broader* than that of the dysfunctionality of elements of multilateral disarmament machinery might be mounted. The preamble of the resolution establishing the SSOD IV OEWG referred to earlier reminded Member States of the undertaking made by their heads of state and government in the Millennium Declaration "to strive for the elimination of weapons of mass destruction, particularly nuclear weapons". The significance of this reminder is that it underscored the link between development and disarmament. Security is a precondition of development. The linkage is not uncontroversial, but it is indisputable that article 26 of the UN Charter explicitly seeks to "promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources".

39 Hand-in-hand with such a philosophy is the greater accessibility it has to public appreciation of and engagement in the issues, facilitating the kinds of partnerships with civil society and interested intergovernmental bodies that have been a feature of the Ottawa and Oslo processes. The CD's failure to engage in a serious, sustained manner with civil society is another unfortunate stain on its dwindling stature.

40 A final point on the option of a world disarmament conference is that, were such a meeting to reach agreed, detailed conclusions, their usefulness would be dependent very largely on the General Assembly's insistence on, and the CD's receptivity to, their implementation, although an agreed outcome of such an event would at least draw public attention to the need for action on the issues.

vii) Specialist panels, commissions, special envoys, GGEs, etc

41 The UN Secretary-General's Advisory Board was far from unanimous on the value of convening a high-level panel of eminent persons. But in recording this perspective, the Board expressed a truth: "(w)hile the creation of such a panel could be valuable, the process was not certain to revitalize the Conference on Disarmament or the multilateral disarmament machinery in general". To date, the CD has shown itself to be comparatively insensitive to the urgings of others, including the Secretary-General himself, his High and Personal Representatives, disarmament commissions such as the ICNND and the Blix Commission, or the High-level Meeting of 24 September 2010.

42 The Board's report recorded that there were three different types of panels that could be considered:

(a) a panel composed of qualified individuals who would provide a comprehensive report on the issue;

- (b) a panel that would be composed of political brokers who could operate behind the scenes to produce greater yields; and
- (c) a highly visible panel that could draw significant global attention to the issue of revitalizing the Conference.

43 In addition, there was the suggestion that the Secretary-General might appoint a special envoy who could “offer more practical solutions and play a more operational role”. Beyond these ideas, there is the option of a Group of Government Experts convened by the General Assembly with a mandate to review international disarmament machinery and report on ways to make it more productive. Whether the findings of such a forum would be sufficiently influential to make a difference is arguable, and its work might cover ground similar to that of an OEWG tasked with considering the objectives and agenda for a fourth special session on disarmament.

44 Significantly, however, the Board’s report also expressed the view that while “a high-level panel of eminent persons could provide recommendations for its revitalization, it was suggested that the only possibility to reform the Conference (on Disarmament) would have to come from the (General) Assembly”. This same point can also be made in respect of the notion of a World Conference. More particularly, the General Assembly was responsible in 1978 for setting the shape of the central elements of today’s disarmament machinery (itemized in annex 1). The Final Document of SSOD I makes it clear that the General Assembly is “the main deliberative organ of the United Nations in the field of disarmament”.²⁶ The Assembly added that an item entitled “Review of the implementation of the recommendations and decisions adopted at its tenth special session [SSOD I]” shall be included in the provisional agenda of the 33rd and subsequent sessions of the General Assembly.

45 As regards the CD, the Final Document of SSOD I stipulated that the Conference would submit a report to the General Assembly annually or more frequently as appropriate. While the CD was empowered to adopt its own agenda, the General Assembly expected it to take into account recommendations made by the Assembly. It is difficult not to conclude that the CD is a creature of the General Assembly, rather than independent of it, especially as the Conference has no independent source of funding. Although the Advisory Board (itself a creation of SSOD I) did not purport to express an authoritative position on the relationship of the CD to the General Assembly, the statement that “the only possibility to reform the Conference (on Disarmament) would have to come from the (General) Assembly” is a correct one for reasons covered later in this paper. Responsiveness by the CD to advice from any form of high-level panel, special envoy or GGE is not assured, although the more authoritative the panellists the greater would be the impact of their conclusions. A *participatory* approach involving *all* states interested in reform efforts, however, would have the advantage of helping improve adherence to agreed reforms.

²⁶ Paragraph 115 of S-10/2.

viii) UN Secretary-General

46 It is hard to envisage a role for the UN Secretary-General beyond what he has already been playing in the case of the CD. His non-appearance at this year's opening session should be interpreted not as his having given up on the Conference but as a gesture to members that he is unwilling to be made to appear as impotent in the face of their unresponsiveness to his strenuous efforts to date. Nonetheless, among the few agreed recommendations of his Advisory Board is this statement: "The Secretary-General should continue to raise public awareness and encourage civil society groups and non-governmental organizations to offer input on ways to overcome the prolonged stalemate at the Conference on Disarmament and move towards the ultimate goal of a world free of nuclear weapons".²⁷

47 This suggests that, as an adjunct to efforts to review multilateral disarmament machinery, the Secretary-General should be encouraged to reach out to civil society as a means of helping put pressure on governments to influence efforts for review and reform. The Secretary-General could also direct his Advisory Board to deepen its consideration of reform in the multilateral disarmament arena.

48 The Secretary-General could hold a further high-level meeting to intensify the General Assembly's focus on reviewing disarmament machinery, over and above the follow-up to the meeting of 24 September 2010, and he could proceed to invoke rule 20 of the Assembly's rules of procedure requesting a new item for the agenda (accompanied by an explanatory memorandum for the consideration of the General Committee of the General Assembly). Persuading the Secretary-General of the need or utility of such a course of action, however, seems unlikely in circumstances where, at least in the case of the CD, no readiness even to initiate self-review has yet been forthcoming.

ix) Self-review: a special rapporteur for the CD

49 The notion of once again initiating consultations—as in 2002—on "Improved and Effective Functioning of the CD",²⁸ examining the agenda, working methods and procedural rules, is a CD-centred option for reviewing disarmament machinery. The advantage of such an approach is that it amounts to an internal review, has insignificant resource implications and can be held up by the CD as proof that it is sensitive to external concerns about its lack of productivity. Nonetheless, it would have its detractors. Sceptics will ask whether a special rapporteur can do more than identify the pressure points, as opposed to brokering effective reforms. Some will see it as a distraction from efforts to focus on matters of substance. Others will claim that it will be a distraction from the president's consultations on achieving a work programme, although those consultations seem doomed to failure so long as the preoccupation with a multi-mandate kind of programme of work persists.

²⁷ Recommendation (c).

²⁸ See the report of the Special Coordinator presented in the CD Plenary of 22 August 2002 (CD/PV.911).

50 The Conference does, however, need to be responsive to the General Assembly's increasing attention to and concern about its paralysis. And, if a sufficiently skilled and widely respected special rapporteur were to be appointed, his or her balanced report reflecting the viewpoints on procedural complications encountered by the CD would be a useful document for the Assembly. Assuming that it could be adopted by the Conference (under rule 25) as a balanced reflection of the current state of affairs,²⁹ it would add something to the record that the CD's annual bland, procedural reports have signally failed to do.

x) Ad hoc processes

51 The pursuit of a review of the multilateral disarmament machinery through some form of stand-alone or ad hoc process is not a serious option. It is mentioned to illustrate a conundrum in relation to the CD. There are a number of mainly G-22 members who are opposed to removing issues from the CD but who profess to treat nuclear disarmament as their priority among the four core issues. Yet, of those four topics, nuclear disarmament is at least as susceptible to being carried forward in a process outside the Conference as an FM(C)T negotiation. This is not to say that such a process would be joined by the NWS, or that it would succeed in ultimately pulling them into it. But the options open to non-nuclear-weapon states are very limited. An *ad hoc* process culminating in a diplomatic conference like the Oslo and Ottawa processes is one such option. Pressure for it will build at the point at which non-nuclear-weapon states become intolerant with having this issue caught up in the CD's deadlock (a state of affairs that clearly suits the NWS).

52 Proposals for a review of multilateral disarmament machinery will need to bear this eventuality in mind. On the one hand, some states—the NWS, despite the promising rhetoric by some of them—are currently content to perpetuate existing machinery despite its flaws, while on the other, an as yet incipient movement to carry nuclear disarmament forward is likely to begin flexing its (comparatively weak) muscles in the next few years, perhaps pending the outcome of the NPT Review Conference's stock-taking of implementation of the Action Plan in 2015. The point is, to state the obvious, that no review of multilateral disarmament machinery can be separated from the geo-political considerations of the moment. The challenge for any review of the machinery, whatever the avenue that is chosen, is to be able to articulate very clearly the scope of such a review and to define in advance what changes it will be aiming to produce.

xi) Financial constraints; funding

53 Although this paper does not attempt to describe the international security environment that is an inevitable backdrop to the viability of reviews and reforms of disarmament machinery, mention must be made of possible

²⁹ Rule 25 makes it clear that the approval by consensus of CD reports such as the annual report to the General Assembly require the faithful reflection of the positions of all the members.

constraints brought about by the current economic climate and its impact on public/state sector funding. Dissatisfaction with the CD has led to calls to rein in the budget available to it for its annual 24-week sessions, perhaps by “moth-balling” the Conference or reducing the number of weeks it would meet annually. Budgetary constraints would also have a bearing on the convening of any review process. Bearing in mind that SSODs I, II and III lasted six, five and four weeks respectively, review processes would need to be conducted in sessions measured in weeks rather than months.

54 Nonetheless, the cost of such reviews would be balanced, it is to be hoped, by the efficiencies that would be achieved by improving the productiveness of the disarmament machinery. To improve the level of understanding about the costs, for example, of the CD, UNODA should be asked to make available to CD members an approximation of what are the annual costs to the UN regular budget of interpretation, translation, documentation and secretariat support for a 24-week session in which the Conference meets for an average of three sessions per week (i.e., 1½ days per week being an estimate of the average weekly number of sessions receiving simultaneous interpretation including the G-22’s weekly meeting these past five years). The United Nations will almost certainly avoid a request for the actual budget itself—better, then, to seek estimates instead. In the case of UNDC, the costs saved in not convening the Committee for its annual monthly session, or part of it, could be easily calculated by Conference Services in New York.

55 A further point on funding should be made. The United Nations has introduced results-based budgeting. The Secretary-General is known to be unhappy with the lack of results of both the CD and UNDC. Might he be moved to institute some form of mandate review of such forums along the lines of the broader mandate review conducted by the United Nations following the 2005 World Summit? The report of that review³⁰ accepted that in the nature of security matters, a streamlining of mandates in the disarmament arena would not be sufficient in itself to overcome the problems that persist to this day. But since the mandate review, a further six years have elapsed and financial constraints have escalated. Initiating a follow-up to that review with a focus on disarmament machinery might be a tempting option for the Secretary-General.

(c) Conclusions

56 There are many kinds of options for reviewing multilateral disarmament machinery. In current circumstances—i.e., the lack of productivity of the CD in particular—the options can be confined to the following categories (amongst which there may be some over-lapping):

- i) **multilateral meetings:** SSOD IV, a streamlined SSOD, focused or “ordinary” meetings of the General Assembly, high-level meeting of the General Assembly, world disarmament conference. A General Assembly

³⁰ A/60/733, see pages 5 and 37 for the disarmament aspects.

resolution by way of a follow-up to SSOD I could be used to draw focused attention to the need for reform of disarmament machinery.

ii) **limited membership reviews:** Specialist panels, commissions, Special Envoys, GGEs. Even if the persons chosen for such a review are of the highest international eminence, it is arguable whether Member States would be as responsive as they would to outcomes in which they themselves had participated.

iii) **studies; initiatives undertaken by the Secretary-General:** the General Assembly could direct that a study be commissioned under article 13 of the Charter, perhaps by UNIDIR. The Secretary-General could task his Advisory Board on Disarmament Matters with a further initiative. Studies could shed useful new light on the issues, but would not have any executing function in themselves. Or, the Secretary-General might see value in instigating a follow-up to the 2006 broader UN mandate review.

iv) **internal or self-reviews:** The CD (or its president exercising his/her prerogative) could appoint a Special Rapporteur to consult and report back on prospects, and methods, for reform. As an alternative, the Conference could take a formal decision to build into its rules of procedure a rule governing periodic review of the CD and its methods of work, overcoming an existing deficiency and paralleling review cycles incorporated in most disarmament treaties.

v) **actions by a state or group of states:** A state or group of states could initiate any of the processes mentioned above, or more radically could effectively marginalize existing components of multilateral disarmament machinery by initiating an ad hoc negotiation, say, on nuclear disarmament or an FM(C)T.

57 If the review of multilateral disarmament machinery is to focus on the CD, the most appropriate options will be those that have the best capacity to influence the Conference to change its ways. **Self-review** has the advantage that any changes made would be those that the CD *itself* accepted that it needed to make. Consensus would, however, be needed for such decisions. On current indications, consensus is unlikely to be achieved on many if any of the possible reform areas listed in annex 2. Even agreement to increase the membership of the Conference will be difficult to bring about.

58 Beyond self-review, the most viable options will be those undertaken by the General Assembly. Consensus will also be required if an SSOD IV (or a streamlined version) is pursued. Resolutions of ordinary sessions of the General Assembly would require only a two-thirds majority of members present and voting. But, as mentioned earlier, only through consensus will decisions or resolutions secure the universal validation needed for effective observance and implementation. Consensus decision-making has become the firm practice of special sessions of the General Assembly.

59 In this connection, the relationship between the CD and the General Assembly (whether in SSOD format or in ordinary session) needs further comment and might perhaps be the subject of a legal opinion by the UN's Office of Legal Affairs, a useful study under the article 13 procedure or as the focus of a follow-up resolution on SSOD I. There appears to be no authoritative statement of that relationship. Analysts most commonly describe the CD as an "autonomous body" but that word does not appear in the Final Document of SSOD I or anywhere else. Nor, given the CD's close relationship with the United Nations, does that forum have all the qualities of autonomy. It is not fully independent. For instance, the CD meets on UN premises, is serviced by UN personnel, its Secretary-General is appointed directly by the UN Secretary-General and acts as his personal representative, its rules require it to take into account General Assembly resolutions on disarmament (although it is not obliged to act on them), it is required to send its reports to the United Nations, and it has become the practice for the Conference to transmit the texts of any treaties or agreements to the General Assembly to be formally adopted and then opened for signature. Nor—crucially—is it self-sufficient: its budget is included in the UN budget, and the General Assembly has the capacity to withhold funding in total or in part.

60 Whatever the correct characterization of the CD's autonomy or lack of it, it seems difficult to describe the Conference as truly autonomous, and this paper supports the view expressed in the UN Secretary-General's Advisory Board that the only possibility to reform the Conference would be via the General Assembly itself. The extent to which the CD would heed the General Assembly is harder to assess. It should be reiterated, however, that any decision of the Assembly affecting the CD's future that did not enjoy the consensus of the General Assembly would lack the necessary capacity to influence the Conference. This suggests that, although difficult to bring about, the convening of an SSOD IV or streamlined special session may be the only means of securing lasting change, whether in respect of the CD or other parts of the multilateral machinery created by SSOD I.

SSOD I established the following framework:

- The First Committee of the General Assembly was made responsible for preparing resolutions on disarmament for adoption by the General Assembly (paragraph 117 of resolution S-10/2).
- The Disarmament Commission was re-established³¹ to include all UN Member States and was made a subsidiary organ of the General Assembly to serve as a deliberative body for making recommendations in the field of disarmament (paragraph 118).
- The Conference on Disarmament was established in 1979 to serve as a single multilateral disarmament negotiating forum. It replaced its smaller predecessors, such as the ENDC (paragraph 120).
- The implementation and research capacities of the United Nations for disarmament were to be strengthened, resulting in the setting up of UNIDIR (paragraph 123).
- The Secretary-General was requested to set up an advisory board of eminent persons to advise him (paragraph 124).

³¹ In 1952, the General Assembly decided to establish the Disarmament Commission. It provided that this Commission should be accountable to the Security Council and tasked it to address both conventional and atomic weapons. However, the new Commission produced nothing substantive. Disarmament issues were progressively removed from the collective discussion table at the United Nations in favour of smaller forums, such as the Eighteen-Nation Disarmament Committee (ENDC).

List of disarmament machinery issues ripe for review

Conference on Disarmament

1 Simplifying the “**programme of work**”, confining it largely to a schedule of activities, shorn of negotiating mandates. Incidentally, until 1992 the programme of work consisted mainly of a schedule of activities of the Conference *and* the agenda, adopted together in a single document. However, after the conclusion of negotiations on the CWC in 1992, the presidency of the Conference began consultations on reviewing both the agenda and the membership of the Conference. These consultations were intensified following the issuance of the UN Secretary-General’s report on “New dimension of arms regulation and disarmament in the post-cold war era” and, at the beginning of the 1993 session, the results were presented to the Conference by the president as the “Presidential statement on organization of work”. This document contained the agenda of the Conference (the same as in previous years, with the deletion of the concluded item on chemical weapons), a decision to establish four Ad Hoc Committees (“nuclear test ban”, “prevention of an arms race in outer space”, “effective international arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons” and “transparency in armaments”), as well as a decision on the appointment of two Special Coordinators to conduct consultations on the membership and agenda of the Conference. This focus on the agenda led, in effect, to giving it a profile outside its normal place within the programme of work. (Rule 28; see also the first sentence of Rule 20.)

2 **De-linking** mandates, returning to earlier practices of the CD. Incidentally, “Comprehensive and balanced”, the qualifying words used frequently in references to the work programme, carry no weight in terms of the CD’s rules, but are political interpolations used by those members for whom the linked mandates ensure that progress on all issues is stymied. Unfortunately, the NPT Action Plan has perpetuated the use of qualifiers of this kind—Action 6 uses the phrase “agreed, comprehensive and balanced programme of work”.

3 Developing an understanding amongst CD members of the responsibilities attached to invoking the **consensus** rule, situating it in the context of actual substantive negotiations and perhaps decisions on the mandate for those negotiations, leaving decisions setting the procedural parameters for those negotiations to a more relaxed “general agreement” approach. (Rule 18.)

4 Better understanding is needed of the rule that the work of the Conference shall be conducted in **plenary** meetings—the default option. It is open, of course, for the CD to agree on any additional arrangements, such as informal meetings with or without experts. Subsidiary bodies are to be convened only on a *discretionary* basis whenever the Conference deems it advisable for the

effective performance of its functions, including when it appears that there is a basis to negotiate a draft treaty or other draft texts. (Rules 19 and 23.)

5 Engendering a better understanding about the rule on **adoption of reports** by consensus. That rule makes it clear that the approval by consensus of Conference reports such as the annual report to the General Assembly requires the faithful reflection of the positions of *all* the members. This rule underpins the furnishing of substantive reports rather than minimalistic ones by making it clear that a member cannot object to the inclusion in a draft report of a viewpoint with which it disagrees as long as that viewpoint faithfully reflects the position of its proponent(s). (Rule 25.)

6 Providing **annual reports** to the General Assembly that reflect substantive positions on issues of both substance and procedure, rather than the customary, anodyne procedural reports. (See also the note on rule 25 above.)

7 Returning the use of **regional meetings** to their original purpose of streamlining the president's consultations on matters of basic procedure and timetabling of meetings. (There is no rule governing the role of regional groups.)

8 The extremely short time frame for the **rotating presidencies** is often cited as a serious CD inefficiency. However, if and when negotiations get underway, continuity of those negotiations will be at least yearly, rather than monthly, because they will be presided over by an elected chair separate from the role of president. (Rule 9.)

9 More problematic is the rule that requires the **work programme to be agreed annually**. However, again, if the programme of work were to be seen in its original form as a schedule of activities, the CD should be able to rise above this obstacle especially if substantive negotiations had developed a momentum of their own. (Rule 28.)

10 A comprehensive review of the CD would include a review of its **agenda** which is regarded as needing updating to reflect modern realities. (Rules 27 and 31.)

11 Pressure is building for an **expansion of the membership** of the CD. It is anomalous that all UN members contribute to the costs of this body whether or not they are members of it. (Rule 2, Rules 32–36, Annex 1.)

12 Rules for access by **NGOs** to the work of the CD need to be liberalized. (Rule 42.)

13 Similarly the rule for access by **UN specialized agencies** and other organs needs to be made less restrictive. (Rule 41.)

14 There is no mechanism in the CD's rules for **self-review**. Reform of the Conference should include provision for a 5-yearly review of the kind familiar to parties to many of the disarmament treaties.

UN Disarmament Commission

1 Dissatisfaction with the UNDC lies in part on a longstanding lack of productivity comparable to that of the CD. Its last successes were in 1999 with the adoption of two sets of guidelines, one on the establishment of nuclear-weapon-free zones and the other on conventional arms control/limitation and disarmament. This is less serious a situation in a deliberative body especially given that the First Committee also performs a deliberative role. On the other hand, the situation in the UNDC is indicative of the broader malaise in multilateral disarmament machinery, requiring the kind of “climatic” change in the global security environment that would engender better chances of success also in the CD.

2 It is hard to imagine that the UNDC would reach a collective view that its debates currently added little if any value to those carried out elsewhere, such as in the First Committee. It seems even less likely that it would decide to discontinue to meet, although there have been occasions as in 2002 when the Commission was unable to hold its annual session (ostensibly for scheduling reasons) and when it has failed to agree its agenda as in 2004.

First Committee, General Assembly

1 Although efforts have been made in the General Assembly since 2004 to bring greater focus to the First Committee of the General Assembly, its fresh outputs and impacts are few and far between, and its efforts have become quite ritualistic. In 2004 its chair, Ambassador Alfonso de Alba of Mexico, achieved agreement on a more purposeful, open and interactive approach to the work of the Committee. Following the general debate at the outset of the session, informal thematic sessions on key issues were conducted. These were made open to civil society, and the chair invited experts and officials from intergovernmental bodies to participate, and interactivity was encouraged. Successive chairs have continued this format. Improved working methods have led to a more orderly conduct of business on clusters of issues, but a number of frustrations remain. For example, the repeated tabling of nearly identical resolutions year after year tends to reduce their adoption to a time-consuming routine rather than to reinforcing the messages contained. This has led some delegations to wonder why a resolution that has been adopted cannot be left to stand unless it is re-tabled by its sponsor(s) for substantive amendment. At the least, the sponsors of resolutions should be more responsive to the annual urging of First Committee chairs that those measures be tabled less frequently, for example every second, third or even fourth year.

Abbreviations

CCD	Conference of the Committee on Disarmament (1969–1979)
CD	Conference on Disarmament
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CWC	Chemical Weapons Convention
ENDC	Eighteen Nations Disarmament Committee
EOV	Explanation of Vote
GCD	General and Complete Disarmament
G-22	CD grouping of non-aligned countries
ENDC	Eighteen-Nation Disarmament Committee
FM(C)T	Fissile Material (Cut-off) Treaty
GGE	Group of Government Experts
ICNND	International Commission on Nuclear Non-Proliferation and Disarmament
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organization
NPT	Nuclear Non-proliferation Treaty
NWS	nuclear-weapon states
OEWG	Open-ended Working Group
P3	Permanent 3 members of the Security Council (France, United Kingdom, United States)
P5	China, France, Russia, United Kingdom, United States
SSOD	United Nations Special Session on Disarmament
UNODA	UN Office for Disarmament Affairs