



## **BREAKING THE CD DEADLOCK**

Geneva - 30 November 2000

### CONFERENCE REPORT

#### ***Introduction***

The Conference on Disarmament (CD) is described as "the sole negotiating forum for negotiating international arms control and disarmament treaties." Yet for over four years the CD has not been able to agree on a programme of work. Nor has it managed to negotiate for more than a few weeks on the ban on the production of fissile materials that it was mandated to deal with in 1995. In response to this worrying situation, the United Nations Institute for Disarmament Research (UNIDIR) hosted an international discussion meeting entitled Breaking the CD Deadlock. The meeting took place at the Palais des Nations, in Geneva, on 30 November 2000. It was held thanks to a generous contribution from the Government of Canada.

More than one hundred participants from over sixty countries were present throughout the proceedings. The participants comprised a wide range of governmental and non-governmental experts both from the countries represented at the CD and from other countries. The meeting was off-the-record in order to encourage free and informal discussion.

The following represents a summary of the salient points that were made throughout the discussions. It is intended for participants in the meeting and other researchers in order to help them in their on-going search to resolve the current deadlock. Some proposals might be contradictory or not consistent because they arose from different standpoints. They are included because they may prove an interesting or challenging way of analysing the problem.

#### ***A - HOW IS THE DEADLOCK AT THE CD PERCEIVED FROM OUTSIDE?***

Generally, few governmental officials and select non-governmental organizations are aware of the work carried out by the CD. Not many people outside CD circles know about the deadlock; some of those who do know don't care, as the work of the CD is perceived to be irrelevant to individual or regional security concerns. Indeed, the CD is a multilateral forum designed to negotiate global arms control and disarmament treaties, and problems that only have a regional impact are not dealt with at the CD, although in the current post-Cold War era, regional issues

are particularly salient and sensitive. This is often seen by outsiders to be a major failing of the CD.

Some argued that although the CD is an independent institution, it is widely perceived as being part of the UN system. The CD's image as an ineffectual "talk-shop" was mentioned. It was also claimed by a few that given the highly sensitive nature of disarmament matters, the long-lasting deadlock is neither surprising nor even worrying. Others pointed out that this situation cannot continue indefinitely and the CD could collapse and die if its revitalization does not occur speedily.

### **Recommendations:**

There is a fundamental difference between the past international dynamics and the current post-Cold War environment, the main question now confronting the CD is how to make itself more relevant to this evolution:

- The CD needs to take into account the evolution of the concept of security and assess how progress on disarmament issues can relate to it.
- Disarmament efforts need to address not only State security, but also regional security and human security.
- Special efforts should be made to bridge the disconnection between what is being done at the CD and what is being decided in the outside world.

### ***B - WHAT ARE THE UNDERLYING CAUSES OF THE CURRENT DEADLOCK?***

Participants felt that a lack of political will and inadequate structures have conspired to create the current deadlock in the CD; although the deadlock is preoccupying, it is but a mere reflection of the prevailing international security—or insecurity—situation.

On the one hand, participants argued that the rules and procedures that govern the CD are obsolete and inadequate, especially with regards to the consensus rule and group structure. The quest for collective security requires global thinking and willingness to compromise in overcoming narrow national interests.

Others, however, felt that the problems were essentially political and no procedural changes could ever alter the deadlock. Most participants also felt that a multilateral forum for negotiating arms control and disarmament treaties remains necessary. Although the CD has many shortcomings, many felt that replacing it with another structure would take a long time and require enormous efforts. Others, however, felt that it may be necessary to take negotiations outside the CD. The underlying political causes of the deadlock are complex. The issue of national missile defences (NMD) and the Anti-Ballistic Missile (ABM) Treaty is a major problem so is the insistence on treating everything on the same level. Why should one or two states block collective progress or even discussion just because of their own concerns?

## **Recommendations:**

- The rules that govern the CD should be more flexible, especially in dealing with the establishment of a programme of work. The consensus rule is often used to voice dissent and opposition; it should be overhauled or at least not used for procedural issues.
- The group structure is not a mechanism that is conducive to progress or efficient work within the CD. It should therefore be replaced by an issue-based mechanism or like-minded States system.
- The role of civil society should be expanded within the work of the CD, as it has been in most other spheres of policy making (rights to Observer status rights and responsibilities and accountabilities). Indeed, expanding the role of civil society within the CD could reassert the importance and relevance of its work and counteract the diminished importance of disarmament in the eyes of many governments since the end of the Cold War.
- In terms of substance, a new mandate for the CD could be formulated – perhaps at a fourth Special Session on Disarmament.

## ***C - UNDERLYING PROBLEMS***

### **1. Fissile Materials**

Everyone agreed that starting negotiations on a ban on the production of fissile materials (fissban) is important. However, some participants felt that in light of US plans to develop a NMD and of the resulting uncertain future of the ABM Treaty, they could not begin work on legally binding instruments, which would restrict their future security options. They felt that there is a direct relationship between a fissban and other areas of arms control dealt with at the CD, such as the prevention of an arms race in outer space (PAROS). Accordingly, some Member States within the CD have decided to agree to start negotiations on a fissban only if negotiations on PAROS start simultaneously, whereas other Member States refuse to start negotiations on PAROS—hence the deadlock.

On the other hand, some participants also felt that FMCT negotiations are only relevant for nuclear weapons states (NWS) and do not fully serve the broader interests on non-nuclear weapons states (NNWS) vis-à-vis stocks. Therefore, divergence over issues such as the mandate, the scope, and verification measures have also contributed in delaying the start on fissban negotiations.

## **Recommendations:**

- The most contentious issues could be better resolved through negotiations rather than being used as an excuse for not holding any negotiations at all.

- The longer the CD avoids fissban negotiations, the more chances discussions will be held outside the CD. It was argued that ad hoc expert consultative groups could be established: these groups could eventually be brought into the formal setting of the CD and serve an informative purpose. Although this alternative could eventually assist the CD, it must be approached very cautiously, because it could be used as an excuse for reluctant states not to fully engage in attempts to begin negotiating.
- The negotiations on FMCT could be accompanied by confidence-building measures to ensure that no State is able to concurrently build up its stockpiles.

## **2. Nuclear Disarmament**

Nuclear disarmament is a stated high priority for many CD Member States. The on-going Strategic Arms Reduction Treaty (START) talks between the United States and the Russian Federation is currently the only framework to negotiate nuclear weapons disarmament. However, some participants noted that this bilateral process will eventually have to evolve into a multilateral process. It was pointed out that it is extraordinary that the CD has not been able to establish some mechanism for dealing with nuclear disarmament, particularly in light of the NPT Review Conference in May 2000. On the other hand, some participants felt that nuclear disarmament negotiations cannot take place within the CD as it is a matter that only concerns NWS and should therefore be addressed by them as a matter of priority. Some representatives also mentioned, however, that they would support fissban negotiations which they consider to be a disarmament measure. However, as one participant put it: "The CD must negotiate the FMCT [...], the FMCT is nuclear disarmament [...], the CD cannot negotiate disarmament."

### **Recommendations:**

- The future role of the CD requires a reality check; for if the expansion of nuclear disarmament negotiations is something that is desirable, the current processes inherent to the CD are not practical or conducive to progress—only a multilateral process can provide a lasting answer to the nuclear disarmament question. If negotiations will occur one day, why not begin preliminary work now in the form of pre-negotiation discussions.
- As the NPT Review Conference demonstrated, the CD does have a "blueprint" to conduct future negotiations on difficult issues. With the end of the Cold War, one must guard against complacency or lack of political resolve when dealing with nuclear weapons.
- The CD should not preoccupy itself exclusively with the quantitative control of nuclear weapons, but also with the elimination of deterrence as a tool of international politics.

- Any subsidiary body for nuclear disarmament must have a credible mandate and focus on real discussions.

### **3. PAROS - Preventing an arms race in outer space**

The preoccupation of the military use of outer space is not new, but the impending quantum leap in weapons systems has provided a renewed interest in PAROS in disarmament circles. PAROS has always been a controversial, but important, issue to address due to worries of militarisation or weaponisation, and more recently due to worries related to missile defence systems. However, expectation must be conditioned by the maturity of the topics of the discussions; is PAROS yet ripe for negotiations? There was a strong feeling from many participants that PAROS is not at the same stage as FMCT or nuclear disarmament; nonetheless discussions could begin promptly so as to eventually bring it to the same level.

#### **Recommendations:**

- Major powers need to be flexible to deal effectively with this matter.
- Establishing an ad hoc committee on PAROS could move the issue beyond the realm of the « talk-shop », and ultimately lead to the adoption of a treaty.
- Once the question of relevance of the issue is answered, then discussions can proceed on a treaty.

### **4. Other topics in the CD**

Issues such as security assurances, transparency in armaments, anti-personnel landmines, and procedural issues—e.g. reviewing the agenda, expanding membership and improving the functioning of the CD—have been with the CD for such a long time that they have practically been taken for granted. Some participants felt that work on these other topics could help break the deadlock, however others expressed the concern that if this were to happen, it would only be « make-work » and could distract attention from the main focus of the CD. In addition, transparency in armaments, security assurances and anti-personnel landmines are not without controversy. The exception to this concern was the idea of taking a fresh look at procedural issues.

#### **Recommendations:**

- The CD should not restrict itself to WMD issues. The CD could be productive in other areas as well and address security assurances, transparency in armaments, and anti-personnel landmines.
- The CD should not get trapped into this path and would be best focusing its attention on the main topics for the work programme.

- Given the new international context, a new look at the CD's structure and procedures could maybe yield positive results; such actions could contribute to enhancing the image and the relevance of the CD.

### ***D - FUTURE PROSPECTS FOR THE CD***

A good deal of concern was expressed over the future prospects for the CD. The « rusting of the machinery » is a serious risk. The view that the CD should either « fish or cut bait » (start or suspend) was expressed a number of times. There is a concern that the balance in the CD has been so far towards non-proliferation rather than disarmament.

#### **Recommendations:**

- Open up membership to all States.
- Establish issue-based coalitions and scrap the outdated group system.
- Always instigate a pre-negotiation phase so as to properly prepare for future negotiations; this could include seminars, resource material, etc.
- Reform not replace the CD.
- Involve civil society, open up the CD to NGO participation in some form.
- Reform the rules and procedures so as to prevent blocking as procedural issues—hold regular discussions on rules and procedures.
- Move it out of the council chamber, change the space, open the curtain.

### ***CONCLUDING REMARKS***

The concept of deterrence, even its utility, should be reviewed in the context of the end of the Cold War. Even if nuclear weapons are not the weapons actually doing the killing today, the consequences of their use—whatever the probability—could be catastrophic. There are three potential ways forward for the CD:

- Muddling through until it just works (to keep on trying and hope for the best). Persisting in this strategy makes the justification of the CD's work and expenses increasingly harder to do.
- "No holds barred" approach to disarmament (an all out effort to make it work) This could work, but the impetus for such a movement must come from the capitals and not just Geneva and at this time, no such impetus exists.
- Establishing parallel processes. Even if it means that the CD is to be sidelined, at least some work, would be done. These processes could kick-start a new momentum in disarmament.

In general the meeting acknowledged the importance of the CD's agenda and the high level of frustration caused by the current deadlock. There is a real risk of the

CD continuing to achieve nothing and the whole disarmament process being ground to a halt. All agreed on the need for action but what sort of action and in which direction remains to be decided.