



**ELECTRONIC CONFERENCE ON:
THE FUTURE OF THE CONFERENCE ON
DISARMAMENT AND ITS AGENDA**
13 January 1998 – 27 January 1998

CONFERENCE REPORT

UNIDIR kicked off a series of informal discussions on the future of the CD to a packed room of delegates, experts and observers at the Palais des Nations on 19 January. After Rebecca Johnson of the Acronym Institute offered opening comments, reactions were heard from Ambassador Munir Akram (Pakistan), Ambassador Joëlle Bourgois (France), Ambassador Mark Moher (Canada), Mr. Peter Goosen (South Africa) and Mr. Attila Zimonyi (Hungary), as well as from the floor. This talk is the first in a series to be hosted by UNIDIR throughout the CD session to encourage open dialogue in an informal setting.

In conjunction with the informal discussion, UNIDIR and the Nuclear Futures Forum (part of the Henry L. Stimson Center's Project on Eliminating Weapons of Mass Destruction) co-sponsored the electronic conference "The Future of the Conference on Disarmament" 13 - 27 January 1998. In her opening statement, Dr. Patricia Lewis, Director of UNIDIR, noted, "there is little sense of movement in Geneva" and suggested that it is "a timely opportunity to consider the future of the CD and try to shake out a new agenda." Five distinguished panellists offered their perspectives on the challenges facing the CD, potential solutions to encourage movement in the CD, as well as its future role:

- Ambassador Miguel Marin Bosch, Embassy of Mexico (Spain),
- Dr. Savita Pande, Institute for Defence Studies and Analyses (India),
- Dr. Mahmoud Karem, Egyptian Foreign Ministry,
- Mr. John Bolton, American Enterprise Institute, and
- Ms. Rebecca Johnson, The Acronym Institute.

A provisional transcript was made available to all delegations of the CD. The papers are reproduced below.

Stimson-UNIDIR Conference - Day 1: "The Future of the Conference on Disarmament"

Today, we are pleased to announce the beginning of a two-week conference devoted to an exploration of "The Future of the Conference on Disarmament (CD)". The conference is jointly sponsored by the United Nations Institute for Disarmament Research (UNIDIR), directed by Dr. Patricia Lewis, and the Nuclear Futures Forum, which is conducted under the auspices of the Henry L. Stimson Center's Project on Eliminating Weapons of Mass Destruction. We are honoured to have a distinguished international panel to offer their perspectives on the challenges facing the CD and its future role.

Dr. Patricia Lewis will lead off the discussion, followed by comments from our five panellists: Ambassador Miguel Marin Bosch, Embassy of Mexico; Dr. Savita Pande, Institute for Defence Studies and Analyses (India); Dr. Mahmoud Karem, Egyptian Foreign Ministry; Mr. John Bolton, American Enterprise Institute; and Ms. Rebecca Johnson, The Acronym Institute (UK). We then invite all Forum members to pose questions or offer their own views on the future of the CD. We will continue to post contributions to the Forum over the course of the next two weeks.

Opening Statement from Dr. Patricia Lewis, Director, UNIDIR

Since the negotiation of the CTBT in 1996, the Conference on Disarmament has been unable to agree on the focus for its agenda. To some it was obvious that the next step should be negotiations to achieve a ban on fissile material for weapons purposes. To others, it was clear that unless steps were taken to begin multilateral nuclear weapons reductions, there could be no further movement in the CD. As a result the CD achieved next-to-nothing in 1997. The negotiations to ban anti-personnel mines were carried out elsewhere and there is little sense of movement in Geneva.

There have been periods of such inactivity before, but since the end of the Cold War, expectations are higher and many are dissatisfied with the stalemate in the CD. Ambassadors and their staff are costly to run and Geneva is hardly one of the less expensive postings. Why should countries, particularly those undergoing financial hardship, spend taxpayers' money on maintaining a high-level staff to represent them at the CD if nothing is achieved? If the delegations are unable to make progress, then there will be a reassessment in capitals around the world and we are likely to see a downgrading of delegations to the CD, even from the larger or wealthier countries.

The CD will open again on January 19th. Now is a timely opportunity to consider the future of the CD and try to shake out a new agenda. There is, after all, so much disarmament work still to be done.

PANELISTS' STATEMENTS

Ambassador Miguel Marin Bosch, Embassy of Mexico (Spain)

The CD is an important multilateral forum. In the field of disarmament, it is unique and should be preserved. It is now going through one of its difficult phases - a time when, as in the past, delegations shrink in size and those that stick it out look for some kind of "busy work" to tide them over until better times, i.e., until there is a demonstration of political will by the militarily significant nations.

In the past, the CD's ups and downs were largely (and probably correctly) explained in terms of East/West relations. One tends to forget, however, that with every US/USSR détente there was a Superpower entente outside the CD (the UK joined them in Moscow in 1963 for the PTBT; then came SALT and START). In other words, when they decide to do some serious talking on disarmament, they avoid the Palais des Nations. And this holds true for the other NWS as well.

Over the past five years, the CD has achieved a number of important agreements, including the CWC, the CTBT and the expansion of its membership. Since 1996, however, it has fallen into one of its periodic comatose states, which translates into pessimism among its members and impatience at the United Nations General Assembly (UNGA). This has happened before, except that this time round it seems a bit more serious than in the past. The problem this time round, however, is that many, including myself, think that it should not happen now, in the present international climate.

For some, the problem is the CD's agenda. And much of the recent debates have centred on nuclear disarmament versus conventional disarmament. Although nuclear disarmament is the priority, some argue, it is not possible at this point. The US and Russia are tidying up the implementation of their START agreements and nothing can be expected from the other three NWS until the other two have reduced significantly their stockpiles. So let us focus on other, non-nuclear issues.

The problem is not the CD's agenda or its priorities. The problem has deeper and more complicated roots. In the first place, the ENDC was originally established to seek a CTBT (and other genuine disarmament agreements). But its track record has been one of disarming the unarmed and banning activities the major powers can do without. In between, it finds busy work such as ENMOD. The ENDC (and later CD) was conceived as a forum to promote agreements between the then two military blocs. Those two blocs had tried unsuccessfully to advance down the path of disarmament in the Ten-Nation Disarmament Committee. In 1962 they invited some non-aligned nations (eight of the eighteen original members of the ENDC) and at SSOD I in 1978 a more democratic CD emerged. But the fundamental problem remained - how to engage the militarily significant nations in genuine disarmament negotiations. For the time being, NWS are not ready to change their relationship to nuclear weapons, as demonstrated at the NPT Review and Extension Conference and despite the International Court of Justice's opinion.

Developing NNWS are right to insist on nuclear disarmament measures. But, after surrendering what little leverage they had at the 1995 NPT Conference, their task is more difficult. And it is further complicated by the fact that most developed NNWS persist in their support of the nuclear (and conventional weapons) policies of the NWS. Look at NATO: instead of shrinking, it is being enlarged. Take the weapons industry: on both sides of the Atlantic countries are investing in military projects (e.g., new aircraft) in part to create jobs and fight unemployment.

Who needs the CD? The international community in general needs the CD. One might even venture to say that the CD, despite its shortcomings, is more important for its non-nuclear-weapon members than it is for the P-5. And, if the goal is disarmament, one should tap the one source that some NWS have carefully avoided in the CD but have relied on enthusiastically in other fora (including those dealing with human rights) - public opinion and NGOs.

Dr. Savita Pande, Institute for Defence Studies and Analyses

The role and importance of the Conference on Disarmament [as well as its predecessors - the Ten Nation Committee on Disarmament (1960), the Eighteen Nation Committee on Disarmament (1962-68), and the Conference of the Committee on Disarmament (1969-78)] can hardly be disputed. It is another matter that the extent of the success can be debated and the veracity of the agreements eventually reached, particularly like the Treaty on Non-proliferation of Nuclear Weapons, can be highly controversial. Even this does not alter the fact that the Conference on Disarmament is the ultimate international, multilateral body of its kind presenting a cross section of views on practically all multilateral arms control and disarmament problems.

With this in background, it can now be stated that precisely because of this nature and its potential (more so after the addition of 23 more states in June 1996) that a redefinition of the agenda of the CD is called for. This redefinition is more in terms of narrowing down and sharp focusing of some of the issues in the existing agenda rather than rewriting the agenda altogether. Seeing its representative nature, the CD can be the classic case of the More the Merrier. All those interested in joining the CD should be allowed to do so, the risk of issues being subject to blockage more frequently notwithstanding.

The traditional decalogue (as the age old ten-point agenda is known) is anyway in for a change for more reasons than one (Dr. Harald Muller and others have suggested interesting and useful ways of streamlining the agenda but they cannot be accepted in totality). The reasons include developments in the issues listed in the agenda specifically and a radical transformation in the global realities after the end of cold war generally.

The first of its agenda items reached the maximum level it can in the body. The Comprehensive Test Ban treaty negotiations, which came to a halt after India was

forced to block the Treaty, subsequently took shape in a UN General Assembly resolution.

The second item on the agenda has to be the main item and focus of the agenda - Cessation of Nuclear Arms race and Nuclear Disarmament. To this can be merged with some of the other items on the agenda like the item No. 3 - Prevention of Nuclear War, including all Related Measures, the item "Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons" and the item No. 7 - the Comprehensive Programme of Disarmament. The first two are part and parcel of the disarmament process and can be treated as an essential step, although positive security assurances have so far been a distant dream (the protocols in various regional treaties are not even poor substitutes) and the second looks like a duplication included as item.

Then there are some items that can be merged as one. These include item No. 6 - New types of Weapons of Mass Destruction and the New Systems of Such Weapons: Radiological Weapons, and item No. 9 - Consideration of Other Areas dealing with the Cessation of the Arms Race and Disarmament and other Relevant Matters. This is mainly to simplify the agenda and the fact that they are compatible. Item No. 4 - Prevention of an Arms Race in Outer Space can be dispensed with, as it is more a cold war relic. In any case if at all there is a new type of weapon or development it can be taken care of in the realm of new weapons or the item No. 9 which takes into consideration any other areas dealing with the cessation of the arms race.

For the obvious reason of it being a procedural matter the issue of adoption of annual report has to be on the agenda.

The Conference on Disarmament would serve a more useful purpose if it is treated as a body primarily to take up nuclear disarmament, because that is how most of its work has been tailored round so far. Issues of periodic importance can be brought up if and when they assume that kind of importance - like the issue of landmines doing the rounds currently. Care however is to be taken that these issues do not overshadow other important developments. Thus the issue of a Fissile Materials Committee took a back seat, not to mention elimination of nuclear weapons or nuclear disarmament, which has actually been reduced to a showpiece on the agenda.

It is important to see that conventional issues are not clubbed with nuclear issues. Solutions to both the issues may become more complex. It is true that some countries may have acquired nuclear weapons to upset conventional superiority of their adversaries, but this cannot be a reason to link the disarmament of the two. The two are full-fledged issues on their own. Seeing the capacity and the tendency of the CD to tackle one issue at a time, the body should primarily be negotiating nuclear disarmament issues.

Transparency in armaments is an important issue on its own. As far as a conventional weapons register is concerned, let the issue cross initial hurdles in the General Assembly and when initial bottlenecks are through, and positions are known and controversies resolved, it can be brought to the CD. The issue of a nuclear weapons register in any case has been a non-starter. If the issue comes up at all for discussion, it can always be treated as separate from that of the arms race.

Dr. Mahmoud Karem, Egyptian Foreign Ministry

The United Nations from its inception has placed the goal of achieving, as well as realizing, the objectives of Disarmament, as one essential task. The Charter embodied provisions to discourage and prevent conflict as well as save succeeding generations from the scourge of war, and entrusted the General Assembly and the Security Council to deal with arms limitation and Disarmament. The First General Assembly resolution (D-1 in 1946) was devoted to Disarmament. Following that, the international community witnessed the establishment of the Atomic Energy Commission to present specific proposals for the elimination of Atomic and all Weapons of Mass Destruction and ensure that the Atom will be used only for peaceful purposes. Article 26 of the UN Charter underscored the relationship between disarmament and international peace and security thereby elevating the status of disarmament to unique significance. In tandem, the General Assembly adopted Resolution 41(I) thereby highlighting the connection between disarmament, peace and security.

The United Nations provided in 1961 (Res. 1733, D-16) an indispensable multilateral forum in Geneva in which disarmament, non-proliferation, arms control and arms limitation issues were negotiated, explored, and discussed. This body, over a long period of time, accomplished successfully a series of important legal instruments. It also expanded the role of disarmament to encompass not only pressing issues, but reached out to new, uncharted, and unprecedented frontiers, such as in the Atmosphere and Under Water (the 1963 PTBT), as well as Outer Space (1967 Outer Space Treaty). The 1978 First Special Session Devoted to Disarmament (SSODI), affirmed in Paragraph 120 of its Final Document the continuing need for a sole multilateral body to be affiliated with the UN for disarmament negotiations. A body with a limited membership in which decisions were to be taken by consensus. This epistemological predication signified recognition to the role of this body, its autonomous status, as well as to its cogent and interactive relationship with the General Assembly.

These are the realities that present themselves today when considering the state of the CD. In essence, what we are dealing with is charting a set of recommendations to increase the effectiveness of the CD, a body that over a lengthy period of time has accrued international recognition and stature. It is not prudent to impair its role in a time when new challenges are being advanced. Regional threats, ethnic or religious instabilities, as well as risks of proliferation of

weapons of mass destruction and their components, have all subtracted from the assets of the termination of the cold war. Instead of capitalizing on, and investing in, new opportunities for progress in disarmament, we are being placed in a situation of self appraisal on how to deal with old recalcitrant threats and anachronistic policies of Deterrence as well as new challenges that in some cases defy conventional wisdom and established historical experience. During the period from 1992 until today we can characterize CD accomplishments with mixed feelings. From one end, two important treaties were concluded, namely the CWC and the CTBT. From another, the CD has found itself in deadlock over its Program of Work to the extent that in 1997 no meaningful progress took place. This put the future of the CD at stake. Two additional developments retracted from CD credibility. The presentation to the General Assembly, outside of the aegis of the CD, of a resolution incorporating the text of the CTBT, and finalizing a text of a treaty on anti-personnel landmines (APL). Although some may argue that no mal-intentions towards the CD were intended, and that it was necessary to bypass a certain Zero Sum Game owing to positions taken by certain delegations; the fact remains that two precedents were laid down. In the first case the Treaty was the by-product of the CD, but when it was time to reap the benefit and give credit where credit is due, a different organ was sought. In the other, and as the CD was discussing how to proceed on with a program of work including APL's, a parallel track was instigated and the job of preparing a Draft Treaty was afforded a few limited actors, thereby defeating the democratic, multilaterally structured process of negotiations in the CD.

In conclusion, now is the time for self-appraisal, and soul searching. Now is the moment for collective political will and compromise. Consensus should not work against us, but for us. One self-evident reality is the urgent need, shared by all, to revitalize this important international forum and regain its effectiveness and rigor. We all have equal stakes in realizing that objective. Perhaps we have become victims of our own consecutive successes and accomplishments during the past few years thereby creating an air that the CD must accomplish a Treaty, periodically. This is not necessarily true. The CD may need time for breathtaking. Not long, we hope, especially in a time of serious challenges and an unfinished agenda. It is for this reason that we need to revisit the agenda, and in this vein one point must be asserted with vigour; priorities in the field of disarmament negotiations have not changed. Yes, there exists today a plethora of collateral and micro-disarmament issues that need to be addressed, but most certainly not at the expense of the heart and soul of disarmament negotiations: Nuclear Disarmament. We should not be reminded that we are in the era of the indefinite extension of the NPT.

In this context - and in light of the provisions of the NPT, the advisory opinion of the International Court of Justice on the Illegality of Use or Threat of Use of Nuclear Weapons, and the relevant United Nations Resolutions - the Group of 21 has repeatedly emphasized the highest priority accorded to nuclear disarmament and the need to establish an Ad Hoc Committee on Nuclear Disarmament. The

program of Action put forward by Ambassador Zahran of Egypt on behalf of the Group in document CD/1419 for the elimination of nuclear weapons, includes measures for reducing the nuclear threat, as a first step, by such means as the immediate commencement of a Security Assurances Treaty, a Convention Prohibiting the Use of Nuclear Weapons, and a Treaty to Eliminate Nuclear Weapons as well as a Treaty Banning the Production of Fissile Material. Thus what is clear is that, although the member states have managed to identify the woes of the Conference on Disarmament, more effort needs to be made by all parties involved, in order to address structurally these challenges in a manner that will enhance the flexibility of the CD, avoid short circuiting or by-passing it, while confirming its role as the sole multilateral UN body for disarmament negotiations. The Author wishes to thank his colleague Mr. Amin Khalifa for his efforts.

Mr. John R. Bolton, American Enterprise Institute

Like many long-standing UN institutions, the Conference on Disarmament ("CD") faces perennial questions about its role and future, especially given the ongoing and very lively debate about the costs and benefits of the UN in the United States. Perhaps even more than many other UN bodies, the CD's work is not well understood in the U. S., and yet for that very reason may well have an opportunity to explore new territory. Especially for observers with a pragmatic perspective, of course, the critical issue is what exactly the CD is doing that affects behaviour in the real world, as opposed to the theoretical debates that so entrance UN circles.

With the signing of the Chemical Weapons Convention, all three forms of weapons of mass destruction are now covered by multilateral agreements, and it is now time to turn more intensively to questions of verification and operation. One aspect of arms control that the international community has failed to address satisfactorily, however, is the rogue state. These are governments which frequently "talk the talk" of arms control, even to the point of adhering to international agreements to limit or reduce particular kinds of weapons, but which have no serious intention of complying with the obligations themselves.

Thus, right at the moment, Iraq is defying the Security Council and the international community by its refusal to comply with Resolution 687, and allow unimpeded access by inspectors of the UN Special Commission on the elimination of Iraq's weapons of mass destruction. When even the Security Council can be ignored, it is very hard to generate confidence in the American public in the ability of other UN agencies to take hard steps in such a vitally important field, which touches so directly on matters of US national security.

In the UN system, the basic problem with the rogue states is hypocrisy. There is a broad consensus, for example, that the five declared nuclear weapons states are not alone in possessing or developing nuclear weapons technology, and that even states which "pass" safeguards inspections are far from nuclear free. The risks in biological and chemical fields are even greater, and violations of the applicable

conventions almost certainly even more widespread. Yet, despite the incontrovertible evidence, the UN, consumed by its adherence to "sovereign equality" seems congenitally unable to deal with ostentatious violators of its own conventions. This difficulty is, to be sure, not unique to the CD, but the consequences in the weapons field are far more serious than in the non-military fields. Obviously, over time, this hypocrisy can only undermine the UN's reputation and effectiveness, as it has already.

I would recommend that the CD debate openly and vigorously how the UN system should deal with rogue states. This debate will be a serious test of the abilities of a universal organization to measure its own members in the field of arms control. If Iraq is now the paradigm, that would be bad news indeed, both for the CD and for the UN a whole. By contrast, if the CD can develop suggestions for handling rogue states in such diverse fields as research, production, deployment and trade in weapons of mass destruction, such an accomplishment would be a major step forward. The key point is the CD must be seen as directly confronting the issue, not sidling around it uncomfortably.

Mr. Bolton is the Senior Vice President of the American Enterprise Institute. During the Bush Administration, he was Assistant Secretary of State for International Organization Affairs.

Ms. Rebecca Johnson, The Acronym Institute

Everyone seems to agree that the Conference on Disarmament (CD) is in crisis. If so, the crisis offers both danger and opportunity. Certainly, the CD has not started negotiating anything since finishing the comprehensive test ban treaty (CTBT) in August 1996, and failed to set up any ad hoc committees during the whole of 1997. But does this signify the brink of terminal decline, or a fallow time, when it is better that nothing be planted until the soil (political and structural conditions) has been replenished sufficiently to grow sturdy crops?

Questions need to be asked. Does the international community need one sole multilateral negotiating forum, or is this a Cold War relic that should be replaced by "specialized open-ended negotiating conferences", as Jozef Goldblat argued in September's issue of Disarmament Diplomacy? To whom are the 60-odd CD member states responsible? What is the relationship between the CD and the UN, and does this need to be clarified, reformulated or made more accountable? Can the "Cold War" attributes such as the group system be updated without the CD falling apart (further)? Does the CD need a wholly new mandate, and if so, is this best provided internally, by a fourth UN Special Session on Disarmament (UNSSOD IV) or through some other agreed mechanism? What are the limits of consensus and negotiating rules for an arbitrarily selected group of states with wide variations of polity and political/security interests?

The success of the Ottawa Process in achieving a ban on landmines already signed by over 140 states has shown that when the political conditions are ripe, a fast-track negotiating conference can be very successful. That does not mean that the CD is redundant, for in bringing together the non-like-minded states on an issue, it is the CD's job to engage the reluctant as well as the club of the virtuous. However, in the wake of the Ottawa Process, it would be a mistake to tie the CD up with slow-track, phased negotiations on anti-personnel landmines. The Ottawa Treaty will quickly establish an international norm, even if some of the heavyweight producer and user states hold out against joining. Far better to establish an open-ended implementation process under Ottawa, open to all states, with a view to addressing the concerns of hold-out states, information exchanges, and so on, providing a ladder by which they can gradually clamber on board. Putting landmines into the CD at this late date is just a face-saver for a few countries and runs the serious risk of undermining the Ottawa regime as it is getting established.

The international community needs the CD as well as the option of alternative negotiating fora for specific issues. Disarmament is a process, of which particular treaties are end products or staging posts on the way. By the time the CD gets a mandate to negotiate a treaty, success is already within sight. A major part of the political bargaining takes place prior to negotiations proper. To judge the CD solely on the grounds of what it has on its negotiating plate is therefore to miss a vital component of its role, namely to prepare the ground for negotiations. It can do this in two ways: by focusing, sustaining and intensifying pressure through diplomatic channels for measures achieving high support in the UNGA and international public opinion; and by convening expert groups to examine technical or verification questions, providing advance multilateral involvement in resolving problems that are real or presented impediments to agreement, such as baseline data and verification. Negotiations and deliberations are not mutually exclusive if there is an objective in sight. Only when there is no agreement on purpose and goal do deliberations degenerate into rituals of hot air. This is the problem of the UN Disarmament Commission, which should be scrapped. It is also a danger if the CD impasse continues; but it can be avoided if the CD will accept some overhauling of its structure and agenda.

Structure:

1. If it does not wish to be bypassed by frustrated states (as in the adoption of the CTBT and the Ottawa Process), the CD must itself establish an accountable mechanism for getting around deadlock on adopting its work programme or a completed treaty. The rule of consensus is important for the process of negotiations, but in the end those states that wish to adopt a finalized treaty or start negotiating on the basis of an agreed mandate should be able to do so. No state is obliged to sign a treaty even if it participated in its negotiations (as India demonstrated with the CTBT).

2. The Cold War group system does not work and should be abolished. For the purposes of rotating posts, a regional model would do as well. For the purposes of managing decision-making, one possibility is to have a looser structure of alliances (which might vary for different issues), which would each select a spokesperson to represent them in the Bureau.

Agenda:

3. Ban on production of fissile materials: if the NWS refuse to concede anything on either stocks or nuclear disarmament, they should recognize that they will not now be able to bind India and Pakistan to a cut-off through multilateral negotiations. In that case, they should take the issue off the CD agenda and do it among the P-5. Alternatively, if the five could offer parallel arrangements on stocks and recognize that the CD has some role in nuclear disarmament, even if not in negotiating a nuclear disarmament treaty at this stage, it is worth continuing to try to get a fissile materials ban through the CD.

4. Nuclear disarmament: in the near-term, political pressure should be brought onto the P-5 to negotiate "qualitative agreements", including de-alerting, transparency, no modernization, no increase of arsenals and so on. To recognize the legitimate interest of the NNWS in nuclear disarmament, the CD should also establish an ad hoc committee (with perhaps a technical working group) to identify and facilitate future measures, receive progress reports from the P-5, and lay the groundwork for a future nuclear weapon convention.

5. Security assurances: for political reasons this cannot be resolved within the context of the CD, and had become a theological football, which takes up time and energy to no great effect.

6. Transparency in armaments: very important issue, but might be more effectively addressed outside the CD (although the CD could be used to monitor the register, if desired).

7. Prevention of an arms race in outer space: With new developments in laser technology and the US-driven pressure to weaken the Anti-Ballistic Missile (ABM) Treaty, the militarisation of space has garnered renewed interest and concern. This year's resolution in the UN General Assembly, which called for the CD to re-examine and update the mandate for establishing a PAROS committee, was backed by 128 countries, including the non-aligned, Russia, Japan, Australia, Canada and New Zealand. This issue needs to be re-addressed (and Britain, France and China should be urged to join the ABM Treaty to prevent further erosion).

Stimson-UNIDIR Conference - Day 2: "The Future of the Conference on Disarmament"

RESPONSES

Jozef Goldblat, Geneva International Peace Research Institute

Since Rebecca mentioned my name "en passant" in her introductory statement, I take the liberty to briefly summarize my views on the future of the Conference on Disarmament for those who have not read my article in the September 1997 issue of Disarmament Diplomacy.

It is my firm belief that the Conference on Disarmament has lost its importance as a multilateral mechanism negotiating global arms control. The widely diverging opinions regarding the agenda of the CD reflect the impotence of this body, which cannot be cured by mere procedural gimmicks.

The time has come to replace the CD with another body or, preferably, bodies. For, indeed, there is at present no need, or even sense, to negotiate all disarmament measures in just one, very large group of countries (60 and soon perhaps 80) selected on the basis of geographical distribution, which - as experience has shown - may not always be able or willing to make a meaningful contribution to negotiations, but have the power to block any agreement. After all, economic and environmental problems, those of a global nature and of major importance, are dealt with in several open-ended fora. There is no reason why the same should not apply to disarmament.

Once a group of like-minded nations, including a certain number of militarily significant nations (but not necessarily all), agrees to negotiate a disarmament measure (in particular, a measure recommended in a UN General Assembly resolution adopted by a great majority of UN members), it should not be prevented from doing so. It should be free to convene a diplomatic conference, open to all states, to draft a treaty. The Ottawa Process, which culminated in the signing of the Convention banning anti-personnel mines, has set a precedent that is worth to be followed.

P.S. A proposal to break the present deadlock will probably be submitted by a group of delegations at the opening of the forthcoming CD session. Its acceptability is doubtful, as it implies the reopening of the Convention mentioned above.

Stimson-UNIDIR Conference - Day 3: "The Future of the Conference on Disarmament"

Dr. Mahmoud Karem, Ministry of Foreign Affairs, Egypt

I have read the comments of Dr. Jozef Goldblat as well as the opening statement of Dr. Patricia Lewis, and have thought it necessary to respond to both of them. I

continue to insist on giving credit to my colleagues in the Disarmament Department in the Ministry of Foreign Affairs, particularly Mr. Aly Sirry for his invaluable contributions.

Response to statement by Dr. Jozef Goldblat:

In his comments Dr. Goldblat expresses his "firm belief that the CD has lost its importance as a multilateral mechanism", that diverging views held on the CD agenda are a reflection of the CD's "impotence" and that "the time has come to replace it with another body or bodies.

While I myself hold certain apprehensions about the future of the CD, these apprehensions most certainly do not lead me to the conclusion that it has lost its importance as a multilateral mechanism. Quite the contrary: they lead me to think about ways and means of preserving and further strengthening this important body and of rendering it more effective and more amenable to those changes which are necessary if it is to successfully meet the challenges that are periodically placed before it.

Replacing the CD with another body or bodies is by no means the panacea that will cure those problems that it faces at the present time. Firstly, the creation of a new body will not make existing differences, on the agenda or otherwise, disappear. Where differences exist they have their rationale, which will not be altered by a change in the organizational framework (in this case the CD) within which issues are discussed. Secondly, creating bodies which bring together a "group of like-minded nations" to negotiate disarmament measures is not a procedure which can adequately replace the CD since by its very nature it excludes those who are not "like-minded". By way of a concrete example let us assume that 100 like-minded non-aligned States were to conclude a treaty banning nuclear weapons, what actual value would such an agreement have given the absence of the NWS? By the same token what would be the value of a fissile material ban negotiated by a group of like-minded nations to the exclusion of a number of countries capable of producing weapons usable fissile materials?

I firmly believe that the CD remains a highly important and relevant negotiating body, which must be preserved and enhanced. States obviously cannot be prevented from getting together in an ad-hoc framework with the aim of concluding disarmament agreements. Such efforts are even commendable if their aim is to assist and facilitate the pursuit of disarmament objectives on the global level. Conversely, however, such ad-hoc "get-togethers" by like-minded States may be counterproductive and could lead to a further complication rather than the resolution of a given disarmament issue. To use the previously mentioned example, a treaty on nuclear disarmament concluded by 100 non-aligned States is not likely to gain the sympathy or enthusiasm of the NWS nor will it positively dispose them towards dealing with such a treaty in any way.

Response to statement by Dr. Patricia Lewis:

In her opening statement, the Director of UNIDIR Dr. Patricia Lewis rightly notes that the CD has achieved "next-to-nothing" in 1997, that there were such periods of inactivity in the past, but that with higher expectations following the end of the Cold War, many are dissatisfied with the stalemate in the CD.

In this context I would like to state that we must not over dramatize the consequences of such periods of inactivity at the CD. We have seen them before, most recently following the conclusion of the CWC, and we will see them again. I would even venture to add that such periods of rest are healthy given the fact that no negotiating body can possibly dish out treaties and agreements on a continuous basis without taking a break in between.

Where the true problem lies is not the temporary inactivity of the CD, but the way its role seems now to be perceived by some of its members. The CD must not be looked upon as a stand-by body the only function of which is to be brought to life in order to work on a specific issue only after decisions to that effect are taken in influential capitals of the world, and then to lay dormant again until more decisions are taken. The CD must be instrumental in bringing about such decisions and in determining collectively what issues it wishes to deal with and how it wishes to do so. The CD as a body remains relevant and important, and it is what its member States wish to do with it, which will determine its future.

The mention of member States brings me to the comments made by Dr. Lewis on the issue of cost. Dr. Lewis questions why taxpayer money should be spent on maintaining staff to represent States at the CD, referring specifically to Geneva being hardly one of the less expensive postings.

The fact that delegations continue to attend the CD and devote resources to it, and the fact that many States which were not in the past (or are not today) members of the CD have aspired to become members, testifies to the fact that the value of membership and of active participation in the CD justifies the devotion of the necessary financial resources.

The fact that, to the best of my knowledge, delegations to the CD have not been downgraded (other than the normal increase and decrease in the size of delegations depending on the issues being discussed and their technical complexity) is testimony to the fact that the CD remains relevant. While we all have financial constraints we must bear in mind, I do not believe that this factor should be attributed much importance in discussing the future of the CD. The CD has its share of problems, which need to be overcome so as to ensure the future success of this body, and it does not need to be burdened with another problem the importance of which must not be overrated.

Stimson-UNIDIR Conference - Day 4: "The Future of the Conference on Disarmament"

Dr. Mahmoud Karem, Ministry of Foreign Affairs, Egypt

Having reviewed the Opening Statements of the distinguished panellists, it is apparent that there is consensus that the CD is requisite and that it is going through rough times. The distinguished panellists have looked at the factors that characterize the causes that led to the CD's current state of affairs and have attempted to put forth propositions by which the aspired effectiveness of the CD could be regained and maintained.

In this regard, I find myself in agreement with Ambassador Marin Bosch that work in the CD is largely determined by the international power structure where the NWS still have difficulty in addressing the nuclear disarmament issue in the manner it deserves. I also subscribe to his point of view with regards to the need for engaging public opinion and the NGO's in the nature of the work of the CD so as to fully utilize the momentum and the surge this creates, putting more pressure on governments to comply with the mandate of the CD which is basically to finalize disarmament treaties. Ambassador Bosch also draws attention to the stance developed NNWS take. In this light, one might question whether the Group system, a result of the Cold War power structure, should retain its rigidity today, or should new avenues be explored where "like minded" NNWS - developed and developing - work more closely towards their mutual goals? Group interaction is needed and positive interplay should be encouraged.

Dr. Pande addresses the issue of expanding the membership and the agenda. With regards to the issue of expanding the membership, many propositions have been put forward and special coordinators have been given the mandate to deal with this subject. It is my opinion that in order to maintain the CD as an effective negotiating body, a counterpoise must be maintained between equitable regional representation and a limited membership that ensures the effectiveness of the negotiating process in the CD given the rule of consensus. As for reviewing the agenda, I maintain that the priorities and conditions in which the agenda materialized still prevail, and that nuclear disarmament should still, without reservation, be accorded the highest priority.

Ms. Johnson raised some very interesting notions, which question the whole structure and perceived role of the CD. This included questioning the wisdom of maintaining the CD as the sole multilateral negotiating forum for disarmament, or should alternative fora for specific issues be established (as was exemplified by the Ottawa Process). She also refers to the rule of consensus, and whether this should be altered in a manner that allows more flexibility and output. It would be invaluable if the distinguished panellist would elaborate further on these two points, particularly with regards to the rule of consensus, its limitation to negotiations, the possibility of its exclusion from procedural matters, etc. As I said in my opening statement, " Consensus should work for us and not against us."

As for Mr. Bolton who views that the CD should deal more with "rogue states" so that it can regain its credibility in the eyes of the American public who have somewhat lost faith in the whole United Nations mechanism. First, it must be clear that we are dealing with the effect of the CD on global affairs. Restricting it to how the each nation views the CD may not be useful. Additionally, it would be insightful if the distinguished panellist would share his views on the role he perceives the CD should play in that direction, given that the CD is essentially a negotiating body, while the role implied by the author best suits the Security Council. On another note, I would like to inquire on how the distinguished panellist defines a "Rogue state", and according to what criteria would a state be referred to as such? Furthermore the distinguished panellist refers to "sovereign equality" as if it were a hindrance to the United Nations and as such makes it "...congenitally unable to deal with ostentatious violators of its conventions..." I would therefore be grateful if the distinguished panellists would also share his views regarding the basis, other than sovereign equality, upon which international law and international relations should be built on?

Christophe Carle, Deputy Director, UNIDIR

If the CD is either irretrievably doomed (Jozef Goldblat) or if its only remaining option is to make "rogue states" its stock in trade (John Bolton), then all states, nuclear and non-nuclear, industrialized and developing, north, south, east and west do have something to worry about and much to lose.

Granted, the CD is caught between the uncertainties of systemic international political change and a surge of disarmament expectations. But this is not sufficient reason to forecast (let alone relish) its demise. Arguing that the CD has lost its importance presupposes that disarmament itself has lost its importance. With any luck, such prophecies of "failure" are not common enough to become self-fulfilling. Institutional Darwinism (though usually slow) is merciless, but the CD can still evolve and adapt.

Clearly, arms control has ceased to be a predominantly bilateral affair. Most substantive security and disarmament issues arise at various multilateral levels, whether global or regional. If there did not exist a reliably permanent multilateral venue for addressing security in a changing world and assessing its disarmament implications, it would be ardently called for from all quarters. We've got one: don't dump it, fix it. Somehow replacing the CD with other bodies would be "passing the buck", and would not necessarily resolve any of the difficulties encountered in Geneva. As for sole reliance on "like-mindedness", it could simply amount to avoiding the issues (as Mahmoud Karem notes).

The Ottawa process is proof that the CD can be supplemented and overtaken by other arrangements. But this does not amount to an obituary. What it does indicate is a need for variable geometry within the CD itself. The notion of

variable geometry has many pragmatic implications (lest pragmatism itself has become taboo), notably in terms of replacing the existing group structure with a more flexible and relevant system. But most of all, variable geometry conveys a recognition that the CD has other fully legitimate and valuable roles to fulfil besides actual treaty negotiation. The CD's value cannot be reduced to a simple utilitarian accounting of its treaty-productivity. Preparing the ground for future negotiations through discussions and technical work may be arduous and time consuming - but in today's world, can anyone seriously argue that this is useless and tantamount to failure?

Stimson-UNIDIR Conference - Day 5: "The Future of the Conference on Disarmament"

Dr. Savita Datt, Research Consultant, Institute for Defence Studies and Analyses

In order to avoid confusion, I would like to specify that I am a participant in the conference and Dr. Savita Pande is one of the panellists. The views expressed below are mine and may not conform to those of the Institution I represent.

CD was originally mandated to deal with comprehensive disarmament under effective international control. Included in the initial agenda were nuclear weapons in all aspects; chemical weapons; other weapons of mass destruction; and conventional weapons. Measures which were supportive of this agenda such as reduction in military budgets; reduction of armed forces; disarmament and development; confidence building measures; verification were also part of this mandate. While it can continue to provide a forum for broad discussion of global disarmament now and of a comprehensive security structure to deter war as such in the foreseeable future, the difficulties inherent in the achievement of these objectives are quite obvious. At the heart of this lie the differences in approach to the whole question of disarmament.

The arms control/reduction path is the preferred choice of the nuclear weapon states and not the comprehensive programme of disarmament leading to general and complete disarmament under effective international control that the CD was originally mandated to deal with. It is no surprise therefore; that it has become difficult to define the future agenda and objectives for the CD even though we do not seem to be anywhere near achieving the objectives set out initially. Inclusion of the item titled "Cessation of the nuclear arms race and nuclear disarmament" in the CD's 1997 agenda was considered a disgrace and an anachronism by one of the honourable members. It is a matter of perception whether a multilateral approach to nuclear disarmament should be shelved till such time as the US and Russia are able to dismantle their weapons bilaterally. I think and many would agree that it is a process, which would extend over decades; it may get derailed somewhere on the way. There are uncertainties about the end goal. On the other

hand there may be ways to expedite, simplify, protect and smoothen the long and tedious path routed through CTBT, FMCT, strengthened safeguards and controls, verification, enforcement and so on at any rate to brighten the prospects of bringing about nuclear disarmament in the distant future. Political and structural conditions (soil referred to by Rebecca Johnson) can be created and fortified only through infusion of fresh ideas and free discussions. The significance of the CD in this respect cannot be overemphasized where representatives of various countries are able to air their views freely and frankly, and have indeed done so.

The subject of nuclear disarmament cannot be relegated to one of stargazing. It is a mindset from which we must come out. For the first time it has become possible to immobilize the use of nuclear /biological/chemical weapons in a democratic set up with participation on an equal footing. This can be done through collective deterrence of the use of NBC weapons.

Detering the use of nuclear weapons collectively involves all the nuclear weapon states, the NNWS and threshold states equally. The agreement that needs to be negotiated is simple. It is to accept the physical non-use of these weapons by all. Any country that uses these weapons, if at all, after the agreement has been negotiated, would have the whole world including other nuclear weapon states united against it. It can be asked as to how would it affect the user once the damage has already been done. Negotiations can include predefined and declared in advance reprisals, for use of nuclear weapons which (reprisals) in their severity should be effective deterrents in character. NNWS, which form the bulk of the world countries, should be ready and willing to boycott and sever all relations with such a user of nuclear weapons; other NWS and threshold states should not hesitate to join with them and execute mutually agreed upon reprisals for such erring nation. These could range from declaring the nation an outlaw to precision strikes in predetermined important areas to turning the capital city into a waste repository (a physically non-violent and unacceptable reprisal) where the waste of different levels would be contributed from all over the world.

Ever since the bomb came into being the NWS have been working overtime to devise exotic strategies, doctrines, and policies to deter its use. NNWS have been relentless in their demand for nuclear disarmament. The time has come to join together and accept the non-use of these weapons now. The advantages and disadvantages for individual states can be ascertained and discussed freely in the CD. In a body like the CD fresh ideas are bound to be thrown up from time to time which can provoke thinking and help formulation into concrete proposals.

Attention could be focused on devising a security framework in a nuclear USE free world, which would deter war and establish new norms and rules for conflict resolution. Collective deterrence provides the first leap forward in the direction of elimination of nuclear weapons.

This approach does not prevent possession of nuclear weapons; it encourages voluntary renunciation through collective deterrence of the use of these weapons. Such deterrence makes all non-peaceful activities related to nuclear sciences redundant. It does not stop or hinder peaceful uses of nuclear energy. Apart from many other advantages which collective deterrence has to offer, it would also test the seriousness of NWS along with that of threshold states about nuclear disarmament. Put to test would also be the will of the world community to bring about this change.

Within its terms of reference, which included nuclear weapons in all aspects and given the practice of adopting an agenda for each session, the CD could be used to focus attention on this and other important issues. The CD has played a useful role so far and it would be a pity indeed if it is thwarted in its efforts. All said and done, the CD has the potential for breaking new grounds (albeit within the parameters of its mandate) and that potential should be exploited.

There is another point in the debate, which merits attention. In international relations a friend of today can be a "rogue" of tomorrow and a "rogue" of today can be a friend tomorrow. Shouldn't such (rogue) epithets be dropped?

Dr. Jozef Goldblat, Geneva International Peace Research Institute

I have still not heard from those disagreeing with my criticism of the CD an explanation why we need a "single" disarmament negotiating body. Indeed, why should global disarmament matters be treated differently than global economic or environmental matters? That is, why cannot multilateral disarmament be dealt with in several specialized, open-ended conferences, which would be convened by states directly concerned and directly affected by a given measure, and which would apply sensible rules of procedure rather than the debilitating rule of consensus? For even if the CD survives the present crisis, it will not be able (as experience has shown) to negotiate more than just one measure at a time.

Yet another pertinent question: why should only certain countries, those selected by the CD itself, be "privileged" to negotiate disarmament treaties, which for some may be of no interest at all, while the outsiders, who may be directly affected by the negotiated measure, are "privileged" only to observe.

Ceterum censeo: International institutions have a long life, but are not immortal.

Michael Krepon, President, Henry L. Stimson Center

The discussion so far has been very helpful in many respects. In particular, it's worth remembering that the CD has made extraordinary contributions in the past, interspersed with periods of sleepwalking. We can be more accepting of the CD's downtime if we recall its achievements.

After all, the CWC and the CTBT would not have been possible without the CD.

Where does the CD go from here? I suggest that we discuss this matter in a somewhat different way. Our prior discussion has focused on the CD's decalogue. Clearly some of these topics have great continued relevance, while others do not. But the decalogue is itself so old that it may structure our conversation too much in the past, rather than the future. We could also discuss the CD's future agenda in terms of UNGA resolutions. The connection here is unavoidable and necessary, but may also be somewhat unsatisfactory, if we want to move beyond hortatory statements to a useful program of action.

Why not discuss the CD's future in terms of what agenda items have the most chance of realizing concrete, worthwhile achievements? If this were the primary criterion for formulating an agenda, what would we propose?

For example, Ambassador Marin-Bosch and others would like to see "genuine disarmament" as a CD agenda item. But genuine disarmament is now underway in the nuclear field—at least in the United States (the down-sizing of the US arsenal has now reached 1967 proportions), Russia, Great Britain and France—in the absence of CD negotiations. Part of the downsizing (at least in the case of the US & Russia) relates to treaty obligations, part is due to economics, and part is due to safety. Surely, much more can and must be done, but one can hardly assert that CD negotiations are required for the process of genuine disarmament to continue. If the CD becomes the forum for "genuine disarmament" negotiations, would this help or hinder the process?

What, then, are the criteria against which we are to establish the CD's agenda for the future? And what agenda items correlate most directly with our criteria?

Stimson-UNIDIR Conference - Day 6: "The Future of the Conference on Disarmament"

Rebecca Johnson, The Acronym Institute

I substantially agree with Ambassador Marin Bosch's analysis of the political causes of the CD's impasse and want to underline that I think the CD has an important role still to play. I may not accept that it should be the sole multilateral negotiating forum, but I do think it should continue to be the primary forum. It is not so much that other fora should be established, but that I think that if the need (and public push) arises, they will be established, and the CD should recognize this as politically complementary to its own work, not as a rival.

I don't think I fully understood the proposal that Mr Bolton was making, but I do not consider that it is the role or purpose of the CD to address questions of terrorism, even supposing that the member states could agree on which were the "rogue states" in which contexts (with regard to which Treaty regime, for example). It is important for the United Nations and for members of Treaties to have strong,

viable and effective mechanisms for implementing their agreements and imposing penalties on violators, but I do not think the CD would be the appropriate place for this.

While agreeing with much of what Dr Karem has written, I do not think that the adoption of the CTBT by the UNGA or the Ottawa Process have diminished the CD's credibility. However, these two events (and the fact that others share Dr Karem's opinion that the CD was harmed in some way by them) do prompt questions that were an important starting point for my arguments. The CD's problems reflect political conditions but the CD does not yet seem willing to adapt its structures and view of itself to work better within those conditions. If the CD had been ready and equipped to deal with landmines, Ottawa would not have been needed. But in this, as in many cases, international public opinion and the NGOs were way ahead of the institutions and most governments. And to a large extent it worked. And such a fast-track initiative would work again if conditions were similar.

This was not an attack on the CD, but a recognition of its limitations. Far from being a weakness, facing up to one's limitations can lead to greater effectiveness, as one can choose to concentrate on the strengths instead of stretching too thinly elsewhere.

Dr Karem noted "consensus should work for us, not against us". Here is a scenario well known to "protest groups" during the 1970s and 1980s (who worked by the principal of consensus). Consider a group which has a common (overt) objective but different views on how to obtain it. The majority propose a particular action, which needs the concurrence of the whole. There are, however, always a small minority of no-sayers. First it is necessary to analyse the objections and consider what would satisfy the minority for them to enable the majority to go ahead. First the substance of the objections and then the "context" of the objectors: are they afraid of the consequences for the group or for themselves, are they more comfortable sitting round and talking than doing, are they undercover agents with a brief to prevent anything happening, and so on. The first step is to try to meet the concerns. However, if no reasonable compromises or nothing do-able can be identified that would be capable of bringing the objectors on board, then the group may have to redefine the objections as obstruction. What then are the options? Do nothing (talk forever or give up) - this means that the obstructers have won, which is particularly problematic if they might be agents; throw out the obstructers - heavy handed and could split the whole group; for those who want to act to decide to note the objections and move ahead, but not require the participation or support of the objectors.

Of course the CD situation is not the same as this scenario, but in terms of group dynamics and decision-making by consensus, there are some lessons, which can be learned, from how some of those protest groups resolved their dilemma to take

(often very effective) action. Since Dr Karem asked me to elaborate further on my suggestions, I would like to do so now.

The fact that adoption of the CTBT was vetoed by one CD member and therefore had to be "rescued" by being taken direct to the UNGA for a vote does not diminish the fact that the Treaty was negotiated and concluded by the CD. Personally, I think the entry-into-force negotiations could have been handled differently and that India did not need to exercise its veto, but with other political factors dominating, it is doubtful that India would have signed the CTBT even so. The endgame of the CTBT taught several lessons: even if a country participates it does not guarantee its inclusion in a finalized treaty; if the final product does not satisfy everyone, should the dissatisfied be empowered to prevent adoption by all the others? Imagine if adoption of the Ottawa Treaty had been made dependent on consensus by all participants? Imagine if the US, which joined in the Oslo meeting but did not get what it wanted, had been allowed to veto the Treaty. It couldn't, but like India with the CTBT, it retained the right not to sign. The others have gone ahead, a process which itself will create pressure on holdout states.

I believe that arms control treaties need to work on the basis of consensus for the process of negotiations, but that consensus is not necessary to take the decisions to commence negotiations or adopt a concluded Treaty. To summarize the longer argument I put in *Disarmament Diplomacy* 17: if the CD has reached near-consensus on a mandate to work on an issue, but has failed to carry one or two Member States, the President of the CD should be empowered to take the mandate to the UNGA for a vote. The UNGA can choose to accept or reject the mandate by a majority of not less than three-quarters. It should not have the power to amend in any way. If the UNGA votes to accept the mandate then the CD should start work on it.

Similarly, if the CD has negotiated a treaty and the Chair plus near-consensus have decided that it has concluded as well as it is going to, such a Treaty should be adopted by CD consensus, recognizing that compromises have to be made and it does not give everyone what they want. If, however, consensus is not forthcoming, it is absurd to argue that one state should be able to prevent all the others from adopting the Treaty. In this case, it would be better to have a recognized mechanism by which the President of the CD can determine that the CD has gone as far as it can and that the finalized Treaty should go to the UNGA for adoption.

Again, I would argue that the UNGA should have only three options: to adopt; to reject; or to remit back to the CD. There should be no option for the UNGA to amend (so if it considers that the Treaty could be improved, it can send it back to the CD for further negotiations). To provide the UNGA with these responsibilities but no amendment powers in these special cases from the CD would necessitate some rule changes, but not insurmountable.

My proposal has a number of checks and balances and does not mean that the CD should adopt a system of majority voting (which I think would be unworkable in a negotiating body). It is designed to overcome blocks in two key situations, to allow work to begin and end, recognizing (i) that some issues that block commencement (such as stocks) might be resolved once negotiations are allowed to get underway, and (ii) there is always the option not to sign. The mechanism would reinforce the view (which I consider to be important) that the CD's 60 members are actually negotiating on behalf of the international community as a whole. Once in place, I think it would be employed only very rarely, if at all. The existence of an accountability check with the UNGA might foster more constructive attempts to reach consensus in the CD, with states who still do not want to agree "standing aside" from consensus, thus registering their opposition without vetoing.

There is the risk of politicising the President, but I do not think this follows: rather, it gives the President an "adjudicating" role, not to take sides but to judge how near to consensus the CD has reached. For the purposes of this conference I will not go into further details of the thinking behind this idea, but I would welcome comments!

Dr. Savita Datt, Institute for Defence Studies and Analyses, India

In response to Dr. Jozef Goldblat's posting of Day 2 (January 13, 1998)

If global arms control is seen through the eyes of NWS to the exclusion of other views then Dr. Goldblat is right that the CD has lost its importance as a multilateral negotiating body. If differences and divergence of opinions provide the reasons for its impotence, it is obvious that Dr. Goldblat is looking for a bulldozer and not a negotiating body. Calling it a negotiating body would be a misnomer. Would the new body with which the CD is expected to be replaced be representative of other countries of the world? If so how does he expect to ensure that suddenly the divergent views they held in the CD would be changed and conform to the desired one-sided views of the NWS/developed world? Probably what Dr. Goldblat has in mind is a body, which represents only the developed world - even they would have differences and disagreements. Would that make such a body impotent again? Do those who conform and supinely surrender to the dictates of the chosen few make all meaningful contributions? His suggestion that "Once a group of like-minded nations, including a certain number of militarily significant nations (but not necessarily all), agrees to negotiate a disarmament measure (in particular, a measure recommended in a UN General Assembly resolution adopted by a great majority of UN members), it should not be prevented from doing so" is dangerous. It would widen the gulf between the militarily strong/significant and the weak. It would make the weak aspire for acquiring the equalizer - nuclear weapons and other weapons of mass destruction.

Dr. Mahmoud Karem, Ministry of Foreign Affairs, Egypt, has referred to all this at length. However taking his example of 100 like-minded non-aligned states concluding a treaty banning nuclear weapons, what actual value would such an agreement have given the absence of the NWS, I would like to point out that a treaty such as that would have to have inbuilt provisions of a legitimate boycott/non-co-operation which could make them (NWS) think. Presently common-security through co-operation and co-operative engagement should be the guiding principle in all negotiations based on the reality that differences and disagreements are part of existence.

Ambassador Dr. Mahmoud Karem, Ministry of Foreign Affairs, Egypt

With regards to the statement made by Dr. Savita Datt (on January 16, 1998), I would like to briefly note the following: at the outset, I agree with Dr. Datt that there is divergence of perceptions between NWS and NNWS as to how the issue of Nuclear disarmament should be addressed.

However, Dr. Datt also puts forth an interesting proposition that deserves more consideration. This is the idea of a treaty - to be drafted within the scope of the CD - to prohibit the first use of nuclear weapons based on a collective deterrence of the violator. Although there are trends that see this as a step towards the ultimate goal of nuclear disarmament, I do not comply with the notion of the prohibition of use as well as the notion of "First use" as this inherently justifies possession of such weapons, but not its use. Possessing such weapons runs contrary to the principle of general and complete disarmament where the highest priority is accorded to nuclear disarmament. Secondly, a treaty of this sort could be a cause for instability and potentially unpredictable if founded outside the scope of the United Nations Charter which clearly provides for collective action as stipulated in Chapter VII. It would also undermine the role of the Security Council as the highest international body to deal with collective measures as provided by Article 1 and Article 24 of the UN charter. In this regard, some questions spring to mind that the distinguished participant is kindly requested to clarify.

It is generally accepted that deterrence is to actively discourage an opponent or an adversary from carrying out an action against one's interests by having the means and the resolve to retaliate by the same or more force. In light of this, does collective deterrence mean that the international community would be obliged to answer in kind against the user of such weapons? Does this mean that such a treaty would allow for the use of nuclear weapons against a violator in retaliation? If collective deterrence were to be activated, the violator by definition would have to be a state that possesses nuclear weapons capability. Does that mean that if such actors were to violate such a treaty, the rest of the International Community would then be obliged to sever relations with it while other NWS would then be obliged to respond in kind? Would that not constitute nuclear sharing whereby states would, as a consequence of such a perceived threat, strive to align

themselves within a nuclear umbrella to ensure their security? Would you then not call this: proliferation?

I do not think it is wise or productive to base future global security on the unpredictability and irrationality of deterrence especially at a time when this theory has come under strict criticism in the aftermath of the Cold War. Today, scholars are questioning the efficacy of deterrence, they ask on legitimate grounds, deterrence against who? Finally, I would also like to add that I differ with Dr. Datt's classifications of states based on NWS, NNWS, and threshold states as if the last category should have a different position or some sort of special status that sets them apart from the others but gives them additional privileges.

John Bolton, American Enterprise Institute

A number of responses seem concerned with my emphasis on the problems for disarmament posed by rogue states. I think it clear that WMD rogue states (which I define to include, among others, Iraq, Iran, Libya, Sudan and North Korea) are the main challenge to effective international arms control, now and into the foreseeable future.

It may be unpleasant to name names, but only by being specific can we truly address the WMD reality we face. Reality is also why, I add in further response to Mr. Karem's comments, I have emphasized the importance of public opinion in the United States, and the practical problems posed by treating every nation as if it were exactly like every other nation, under the abstract rubric of "sovereign equality."

As long as the United Nations is widely perceived as ineffective, inefficient and inept, public opinion in the United States (both generally and as reflected in Congress) will simply not accept assigning it significant new responsibilities, especially in the field of weapons of mass destruction and their delivery systems.

Let me underline again the seriousness of the issue as it specifically confronts us right at the moment with respect to UNSCOM and Iraq. Iraq is currently in material breach of Security Council Resolution 687, and, accordingly, the cease-fire embodied in that Resolution is null and void. The US and its coalition partners are therefore to take any military action they deem appropriate (without even mentioning their inherent rights affirmed by Article 51 of the Charter) at any moment. This is a real world, practical, ongoing example of the UN and disarmament, the outcome of which will have a dramatic impact on the UN, and perforce the CD, for a years into the future. That is why my initial statement raised these and other practical realities rather than more abstract concerns.

Dr. Savita Datt, Institute for Defence Studies and Analyses, India

The CD as a multilateral negotiating body, representing all geographical regions of the world was no doubt established when the cold war was raging and has been working on the agenda which was outlined then. Its initial agenda relating to nuclear weapons in all aspects; other weapons of mass destruction; and conventional weapons continues to remain relevant. Measures which were supportive of this agenda such as reduction in military budgets; reduction of armed forces; confidence building measures by implication have not lost their relevance either. However, in keeping with the changed times and matrix additional subjects may need to be added as suggested by Michael Krepon. He however, makes a distinction between what needs to be achieved and what can be achieved. Which in other words means that what is difficult and contentious may be shelved aside for what has the most chance of achieving concrete and worthwhile results. His perception of genuine disarmament is quite different from that of many others in the world. Had the perceptions been the same, there would have been no reasons for tension or even demands for genuine disarmament (if the genuineness was uncontroversial). There can be no genuine disarmament until the USE of nuclear weapons is banned and if the arms control approach currently in vogue can ensure that, even at the end of the process, it may be worth waiting for that fateful day. But the end goal of nuclear disarmament through the arms-control process is vague. This needs clarification. Sokov in Disarmament Diplomacy Issue No. 08, September 1996, has highlighted some of the problems inherent in the arms-control approach. "An obvious problem," he says, "is that no one knows how to calculate a five-sided nuclear balance: it is difficult enough with a two-sided one." By the time the process gets to multilateral levels, the world may have changed again and the environment might demand something different stalling/halting the whole process. The end goal itself may have to be changed - who knows? Exploring different ways of achieving what is of utmost importance to the whole world is not going to hinder/stall the process of disarmament, it may help the world to find new and better ways to achieve the end result of genuine disarmament. The CD's agenda apart from the above-mentioned items may include the following:

1. Freezing the USE of NBC and other weapons of mass destruction through collective deterrence;
2. Security mechanisms for a nuclear USE FREE world;
3. Incremental measures to deter war in conflict prone areas;
4. Norms for dealing with belligerents engaged in war;
5. Confidence-building measures through promotion of non-offensive defence strategies;

About the Structure of the CD

Rebecca Johnson has made certain useful suggestions in her article "The CD: Crisis and Opportunity" in Disarmament Diplomacy Issue No. 08, September 1996, regarding structural changes in the CD. The idea that where members have failed to attend or contribute for more than a year, there should be an agreed procedure

to replace them with those on the waiting list, who should demonstrate their readiness by contributing fully as observers, may be worth implementing.

(NOTE: There was no posting for Day 7)

Stimson-UNIDIR Conference - DAY 8: "The Future of the Conference on Disarmament"

FINAL REMARKS

Ambassador Dr. Mahmoud Karem, Ministry of Foreign Affairs, Egypt

At the end of the Electronic Conference, I wish to take this opportunity to thank and congratulate you on doing a very good job in coordinating such a fruitful exchange of views on the future of the CD. I hope that through my opening statement and the four papers I have introduced as remarks, I have contributed to a successful conference and to an exchange of views, which might prove useful in clarifying the challenges that face the CD and the opportunities available to it in the future. It is indeed vital that the CD continue its task as the single multilateral negotiating forum on disarmament. I also like to seize this opportunity to thank the distinguished panellists and participants for their invaluable contributions, which have greatly enriched our debate. Finally, I would also like to thank my colleagues at the Department of Disarmament Aly Sirry and Amin Khalifa for their contributions.

As this electronic conference comes to an end, I thought it necessary to supplement my earlier comments, which took a somewhat generic view of the future of the CD, with more specific, albeit brief, comments on particular issues that are relevant to the work of the CD.

Nuclear Disarmament

The issue of nuclear disarmament will remain on the CD agenda until it is adequately dealt with and resolved. For decades there existed strong opposition and even refusals among certain members of the CD to deal with chemical weapons and nuclear testing. The CWC and CTBT are testimony to the fact that oppositions and refusals are not eternal. The same holds true for nuclear disarmament. And while a very limited number of CD member States continue today to vehemently oppose any work by the CD on nuclear disarmament (as opposed to non-proliferation), such opposition cannot be sustained infinitely.

The establishment of an Ad-Hoc Committee on Nuclear Disarmament to act as an umbrella committee under the aegis of which the various nuclear issues would be

discussed or negotiated as appropriate would not prejudice the position of any CD member State nor would it prejudice the outcome of any talks.

Fissile Material Ban

A ban on the production of fissile materials represents no doubt an important objective. A ban on future production would have non-proliferation value while a ban on future as well as past production (i.e. existing materials) would encompass the disarmament dimension as well. The debate on this issue has shown that those who already possess weapons usable fissile materials, while willing to cease production of such materials, are not willing to give up existing stockpiles. Such an approach would serve to perpetuate and institutionalise the currently existing imbalance. On the other hand, a ban on both past and future production would represent a highly significant and far-reaching nuclear disarmament measure.

The two distinct views on how work on a fissile material ban should proceed in the CD are not necessarily mutually exclusive. A working mandate at the CD must reflect the views of all, and I do not believe this to be beyond reach. It appears to me that with compromise on both sides of the debate, a new mandate could be agreed to which encompasses the following elements:

- a ban on weapons usable fissile materials must have both non-proliferation and disarmament value and represents a step towards complete nuclear disarmament;
- the immediate commencement of negotiations on a ban on future production of weapons usable fissile materials;
- the commencement, prior to the conclusion of these negotiations, of talks to identify issues relevant to a ban on existing materials;
- the commencement of negotiations on a ban on all weapons usable fissile materials immediately following the conclusion on negotiation on the future production ban.

Timelines for the application of both proposed instruments would be subject to negotiations.

Security Assurances

Much time has, in the past, been devoted by the CD to the issue of security assurances to non-nuclear weapon States. Nonetheless, concrete results have remained elusive. While I would encourage the CD to pursue its work on this issue, albeit in a more purposeful manner, I remain sceptical about the possibilities of success. I continue to hold the view that the most appropriate and effective way of dealing with this issue remains through the adoption of a protocol to the NPT similar to the BWC verification protocol currently being negotiated.

Transparency in Armaments

The issue of transparency in armaments has unfortunately not stood up to its promise thus far, and an effort is required to make the most in the CD of this important matter. The fact that some view this issue as dealing with all kinds of armaments while others limit its scope to conventional arms only has resulted in virtually no constructive and concrete work being done on it at the CD.

The very *raison d'être* of transparency is that of building confidence, and confidence cannot be built if it is limited and confined to certain categories of weapons to the exclusion of others. Transparency will therefore not achieve its full potential as long as it is regarded as an exercise of limited scope and application. The CD could play a constructive role in this regard.

Having said that, I should also say that it is only natural that the CD should also deal, *per se*, with issues related to conventional weapons. Conventional weapons represent a major category of arms that should not be overlooked by the CD.

Anti-Personnel Landmines

APLs are amongst the most destructive and deadly of conventional weapons, and as such it may be appropriate for the CD to give the matter serious consideration. In doing so, and as is the case with fissile materials, one cannot overlook the past and the legacy of armed conflicts which have left behind millions of mines. As an Egyptian I am all too well aware of the problem: 23 million mines continue to litter Egypt's soil, laid in their vast majority by foreign forces. In approaching the APL issue, the CD might therefore wish to bring to the fore the humanitarian dimension of the mandate that the international community has entrusted to it by dealing, *inter alia*, with the issue of existing minefields and ways and means of resolving this major problem and its tragic humanitarian and economic consequences.

Outer Space

While the race to use outer space for military purposes is no longer what it used to be, there have recently been a number of worrying developments in this regard. These developments have served to illustrate that the only way of resolving issues conclusively in the arms control and disarmament field is not by letting them phase out or die a natural death, by taking concrete action in the form of legally binding negotiated agreements.

The CD must not be complacent when it comes to outer space, and it must carry out work to ensure that any existing or foreseen militarisation of that environment is terminated forever.

Dr. Savita Datt, Institute for Defence Studies and Analyses, New Delhi

I am extremely grateful to Ambassador Dr. Mahmoud Karem for his valuable comments on my Jan.16, 1998, posting on collective deterrence.

My proposal does not justify the possession of nuclear weapons: it only takes into account the existing reality - which is:

1. that NWS have these weapons - which cannot be suddenly given up and the process of reducing them to zero (if at all) is going to extend over decades and is uncertain about reaching the end goal.
2. Nuclear weapons have been invented and cannot be disinvented. Even if the world did reach the goal of elimination of the last weapon, the know-how would exist. Given the disparities in the international order, aspiration and reasons to acquire them would still remain making reintroduction of these weapons a definite possibility.
3. There exists another category of nuclear capable states and the so-called threshold states, which have the capability, and according to some, weapons as well. None of these want to give up their option on account of various reasons.
4. There are countries in the world, which aspire for them for various reasons.
5. The use of these weapons affects all countries in the world - the whole of human race and even future generations. It is the responsibility of all to ensure that they are never used. All countries therefore should participate in that collective effort although they do not possess nuclear weapons.

Taking this reality into account what is the best way out? Through the arms control approach even if we do get to the elimination level, the USE would still have to be immobilized. Does the world need to wait that long? This can be done right now. Freeze the USE of the bomb, and carry on with the reduction process in an atmosphere which is freer in the sense that immobilization of the bomb would have certain far-reaching implications for the whole world. I shall list some of them as follows:

1. If the bomb cannot be used, why should it be acquired which means that the incentive to acquire it would be gone - a positive contribution to non-proliferation! While the US and Russia are grappling with the problem of dismantlement, safe storage and disposal and so on, at least the proliferation end would have been taken care of.
2. Easy availability of nuclear materials and know-how in the aftermath of the cold war would not induce aspirants to acquire these weapons because they would not be able to use them.
3. Production of fissile materials for non-peaceful uses would become useless. It would be the responsibility of countries producing such stocks to use them only for peaceful purposes. It would be their responsibility to dispose off their excess stocks in the best possible manner.
4. The task of verification would be reduced considerably while onsite inspections would not be resented.

Now about NO USE and NO FIRST USE. I agree with Dr. Karem that No First Use legitimises the possession and use of the bomb even if it is in defence. "No Use" at all is different from "No First Use". The collective deterrence that I am suggesting addresses "No Use" at all. It is to deter the USE of the bomb irrespective of who possesses it. If deterrence were to be practiced individually, each possessor would have to deter the other four and may be threshold states. Even if it is not declared openly, it would place that and others in an adversarial role and may lead to a race for newer, better weapons to deter the other nuclear states. Collective deterrence on the other hand, is to be practiced in a cooperative framework in which every body is an equal participant. In my view, it is possible now for all countries to unite on this issue of utmost importance and the opportunity should not be lost. In order to discourage such use by any one the wherewithal in terms of nuclear weapons, nuclear capabilities and the will to oust the bomb is available with the world, presently. The question arises how best to use it in a positive way.

Consider, predefined, declared in advance reprisals which in their lethality and effect are as unacceptable as the use of the bomb itself. I shall be more specific: the reprisals could be sanctions, severance of relations /boycott by all the nations of the world of such user, accompanied by precision strikes declared in advance, on nuclear installation/installations or to be non-violent and yet punitive could be the reprisal of turning the capital city of that country into a waste repository to which all levels of waste would be contributed by all the countries of the world. There may be better suggestions to achieve the same objective. Because the reprisal has been defined in advance, the user knows what to expect and since it would be backed by all in a collective framework, it should deter the use of the bomb. It is the threat of unacceptable damage in kind backed by all to deter the user from using the nuclear weapon, which would stop the use of the bomb. During the past fifty years, it is the threat of retaliation in kind which has kept the nuclear weapons from being used. Now what we need is to find out the objections to this and difficulties in this, which the NWS might have.

Such a treaty in order to be credible would allow the use in kind only in the event the user has made the use of the bomb despite the treaty provisions.

Dr. Karem is right in asking that the user of nuclear weapon can only be a NWS and whether collective deterrence would apply to that state. Yes, it would otherwise we shall not get anywhere. I would not call that condition as nuclear sharing. It is common security through collective deterrence. This would not lead to proliferation; rather stop it in its tracks. NNWS would not be aligning themselves to this or that NWS but to all of them without preferences.

Deterrence practiced in a collective manner is different from deterrence practiced in the past and which is being rightly questioned - deterrence against whom? This deterrence is against the use of the bomb, not against an ideology, state system or a specific country or an adversary. This does not seem irrational to me. It is only a different way of searching a solution to an intractable problem.

Finally I would like to add that the UN Charter was not drafted to deal with the nuclear threat. The word nuclear threat does not appear even once in the Charter. Collective action mentioned in Article 1 dealing with the purposes of the United Nations talks about effective collective measures for the prevention and removal of threats to the peace, suppression of acts of aggression, or other breaches of peace. Nuclear threat is different: it not only affects us, the present generation, but many generations to come.

This is a thought, an idea that needs to be explored further. The more inputs, the more the criticism, the better would it be.

I would like to thank Dr. Karem once again for his most valuable comments.

Nancy Gallagher, Wesleyan University

John Bolton claims that the U.N. system is "widely perceived [to be] ineffective, inefficient and inept" by the American public and Congress. He also suggests that the US will be increasingly reluctant to support the Conference on Disarmament unless it stops operating on the assumption of sovereign equality and starts focusing special attention on countries that Bolton labels "rogue states." These are strong assertions, but Bolton provides no data to support them. Moreover, they are contradicted by recent polls conducted by the Pew Center, the Mellman Group, and the Program on International Policy Attitudes (PIPA). Given that the transcript of this conference will be distributed to all CD delegations, it is important to portray American public opinion correctly because many participants believe that the continued effectiveness of the CD and other multilateral negotiating fora depend, in part, on their ability to mobilize public opinion and NGOs in support of new arms control efforts.

Sweeping generalizations about American public opinion on arms control and foreign policy are rarely reliable because opinion has been consistently divided on these issues. Before, during, and after the Cold War, US policy debates have been structured by a split between those who hold a "liberal" view of security achieved through negotiation, trade, and international law, and those who have a "realist" conception of security reached through power politics. There has always also been an isolationist component, although this declined significantly during the Cold War and remains small today - contrary to claims of an isolationist "backlash" among the American public. On issues related to nuclear weapons, the dominant feature of American public opinion has been ambivalence: strong majorities have traditionally favoured serious arms control negotiations, yet questioned whether militarily significant agreements could actually be negotiated, verified, and enforced under current international conditions. This ambivalence, combined with fluctuating interest levels and relatively low levels of information about specific arms control issues, leaves opinion poll data sensitive to question wording and lets vocal minorities misrepresent themselves as speaking for the majority of

Americans. To get an accurate picture of American support for the CD and other multilateral bodies, therefore, one should rely not on isolated poll questions or current "hot button" issues in Congress, but on research conducted with focus groups and other informed audiences and on robust findings that are consistent across survey organizations.

The Pew, Mellman, and PIPA surveys all found that the majority of American elites and average citizens favour multilateral engagement in international affairs over unilateralism or isolationism. For example, 80% of Congress and other Opinion Leaders in the Pew study advocate a shared leadership role for the US, while the PIPA project found that 74% of all Americans thought that the "US should do its fair share in efforts to solve international problems together with other countries." The Pew study identified a gap between elite and mass levels of optimism about the state of world affairs and the effectiveness of US policy. The more educated respondents were, however, the more they believed that world problems are manageable through multilateral efforts. While PIPA researchers found that many American policymakers share Bolton's misconception about public scepticism toward the U.N., the researchers also demonstrated that most citizens actually support the U.N., want it to be stronger, and favour paying U.N. dues in full. Public support for the two major treaties most recently negotiated by the CD has been extremely strong: 84% of Americans favoured ratification of the Chemical Weapons Convention shortly before the Senate vote, while only 13% oppose the Comprehensive Test Ban Treaty. Thus, even though most American citizens and Congress are currently more concerned about domestic than foreign issues, there is both a general predisposition toward multilateral organizations and a high level of support for the specific work done by the CD.

Even Bolton's prediction that the current standoff in Iraq will cause Americans to lose confidence in the U.N. and question the value of the CD is not supported by the data. Since Americans remain extremely concerned about proliferation, ignoring Iraq is not an option. Yet, the only real alternative to a multilateral approach (with its inevitable delays and compromises) would involve acting as a "world policeman" (opposed by 71% in one PIPA poll) and probably increasing US defence spending (strongly opposed once respondents are given information about current spending levels in the context of competing budgetary needs and spending levels of potential enemies). Moreover, the PIPA project found that when Americans do express dissatisfaction with the U.N., their preferred solution is to strengthen it rather than to disengage from it.

For the purposes of this conference, such data raise two important questions. First, does public opinion have much influence on the positions that states take in or toward the C.D.? Strong public opinion clearly does not translate directly into policy initiatives. For example, the Mellman survey found that 80% of American voters want a "verifiable, enforceable" international agreement to eliminate all nuclear weapons, with 61% of respondents strongly favouring such an accord. Yet, reluctance by the US (and other nuclear weapons states) to establish an Ad Hoc

Committee on Nuclear Disarmament, even with only deliberative powers, has been a serious obstacle to progress regarding any items on the CD's agenda. Some analysts, such as those engaged in the PIPA project, see this disjuncture as evidence that policymakers do not really understand what the public wants, possibly because they are overly influenced by vocal minorities or their own biases about public opinion. Others, such as Jeremy Rosner, believe that skilled political operators actively misrepresent and manipulate public opinion because symbolic attacks on multilateralism win elections and achieve other domestic political objectives. Much work remains to be done on this question, but delegates to the CD should be heartened to know that the majority of Americans do support their efforts, even if that support does not always translate easily into negotiating mandates and ratified agreements.

The second question for conference participants to consider is whether public opinion plays an integral role in the success or failure of multilateral arms control negotiations. The debate about whether "like-minded" states should gather outside the C.D. to speed agreement on measures they favour, or work within the C.D. to pressure states that do not currently want particular types of arms control, involves a disagreement about whether the primary purpose of multilateral negotiations is to help states coordinate policies and achieve existing goals or to change how national leaders perceive their interests and their optimal security strategies. Those who want the C.D. to serve a limited coordinating function should look for ways to simplify negotiations and insulate them from domestic politics. By contrast, those who hope that the C.D. can play a transformative role should consider more effective ways to educate public opinion and increase its impact on national policy, even if this makes work in the C.D. somewhat messier and more difficult for diplomats to control.

Electronic information on the surveys mentioned above is available at:

The Pew Research Center for the People and the Press, "America's Place in the World II," <http://www.people-press.org/apw2rpt.htm>

The Mellman Group for the Henry L. Stimson Center, "Voters' Attitudes Toward Nuclear Weapons," <http://www.stimson.org.pollmemo.htm>

The Program on International Policy Attitudes/ Center for International Security Studies at the University of Maryland, "Misreading the American Public on International Engagement," <http://www.pipa.org/exec-sum.html>

Stimson-UNIDIR CONFERENCE - Final Day: "The Future of the Conference on Disarmament"

FINAL REMARKS

Rebecca Johnson, The Acronym Institute

First I would like to thank UNIDIR and the Henry L Stimson Center for co-hosting this electronic conference, as I think it has been both timely and useful.

Many interesting points have been raised by the distinguished panellists and by participants, but for the sake of brevity, I shall not attempt to respond to all. Instead, I would like to comment on the opening of the CD in Geneva this week and give my own answers to the questions I posed in my opening statement.

Perhaps with the realisation that another completely flat year like 1997 would be unacceptable, the CD opened more positively this week by adopting last year's eight-point agenda. Because of the CD's theological separation between agenda and programme of work, this does not mean that the Conference is able to start work, but it does remove a procedural impediment. South Africa issued a bold challenge from the beginning, seizing the middle ground with a compromise proposal for a nuclear disarmament committee that would deliberate on practical steps, utilising the NPT Principles and Objectives language "for systematic and progressive efforts to eliminate nuclear weapons" and identify "if and when" such steps should be the subject of negotiations in the CD. Canada had also prepared an early initiative, giving its views on several issues, including the militarisation of space, transparency in conventional armaments, and reiterating its working paper proposing an ad hoc committee on nuclear disarmament for "substantive discussion...with a view to identifying if and when one or more... issues might be negotiated multilaterally". Canada stressed that it endorsed South Africa's initiative and that the proposals were complementary.

The South African proposal was immediately endorsed by some Western group and non-aligned (G-21) representatives, while other G-21 states, including Myanmar, Egypt and Mexico, carefully expressed interest in the proposal, while also reaffirming their desire for more, as put in their 1996 and 1997 proposals. Given the desire to get negotiations on a fissile material production cut-off or ban underway (and the unlikelihood of the US even considering a nuclear disarmament committee unless it got commitments to negotiate a fissban or landmines in return) a combination of the South African proposal and the 1996 proposal by Egypt, might point the way forward.

Such an approach would see an ad hoc committee on nuclear disarmament convened under agenda item 1 (cessation of the nuclear arms race and nuclear disarmament), with two working groups, one to negotiate the fissban according to the Shannon report of March 1995, and the other to deliberate on the wider issues of nuclear disarmament, along the lines proposed by South Africa. If the NWS can now accept the concept of a nuclear disarmament committee (which the United States has so far rejected) with these tasks, the language of both having been previously agreed by all the NWS in 1995, there is a real chance for progress. If India were minded to block such a compromise, it could find itself under very heavy pressure from non-aligned colleagues, many of whom are

supportive of the Egyptian and South African approaches. At the very least, such proposals have sharpened the debate and re-activated the CD, showing where the extremes are vulnerable to pressure from a growing (if informal) group of middle ground states.

Landmines: despite the US presenting a statement from President Clinton calling on the CD to work on landmines and cut-off, I detected even less enthusiasm for addressing landmines in the CD than last year. Granted there is a need to consider a phased approach for addressing the concerns of non-Ottawa states, and a ban on exports could be a useful start. But addressing landmines in the CD attracts three kinds of opposition: (1) those who fear it will detract attention from nuclear disarmament issues; (2) Ottawa signatories who fear it will undermine that Treaty; and (3) non-Ottawa states who regard landmines as fundamental to their security and are reluctant to ban them.

In effect, what is needed is a way of bridging the gap between the CCW and the Ottawa Treaty, with some kind of phased or ladder approach, the first rung of which could be a negotiated ban on exports and transfers. Rather than setting up new machinery under the CD, it might make more sense to explore whether a special conference of the CCW could appoint a negotiating committee to work out a further protocol of the CCW banning exports. This is a challenge posed to both Ottawa signatories and non-Ottawa states: to address what needs to be done to bring the CCW baseline up in steps towards the Ottawa standard, without undermining either Treaty. My consultations with a variety of delegations in Geneva this week have further convinced me that my rejection of the CD for this task, expressed rather cryptically in my opening statement, is correct. Alternatives based on the CCW or a special body to promote the phased implementation of the Ottawa Treaty would narrow the opposition to (3) and be more likely to succeed.

No-use/security assurances: The very interesting debates between Dr Datt and Dr Karem and others on no use and collective security have convinced me that the ways in which the security assurances and no-first use debates are framed in the CD and NPT belong to the Cold War and are not conducive to effective agreement. In the aftermath of the 1996 International Court of Justice advisory opinion on the use and threat of use of nuclear weapons, the Canberra Commission, and also in view of the growing tendency in some of the NWS to regard nuclear weapons as a deterrent against chemical and biological weapons, it is clear that there are nuclear weapon use and security assurance issues which do need to be addressed, but that the existing debate is not going to get anywhere. I would therefore suggest that a special coordinator in the CD be appointed to start from first principles in gathering states views on the real issues and demands, out of which might emerge some ideas for how to address the issue and which agreements to strive for (P-5 or multilateral).

To answer some of the questions I posed in my opening statement: I would say that the CD is not on the brink of decline, but undergoing a "fallow time" to take stock and re-orient its priorities according to changing political and structural conditions. Creating the conditions for negotiations (which involves debate and deliberation, and an interactive relationship of influence and response with regard to the national security assessments and positions of states) is as important a task as negotiating, even if the product is less immediately visible, so the CD should not be written off if it does not perform as a "treaty making factory". Despite its claim, the CD is not the sole multilateral negotiating forum on disarmament, although it is the primary forum under UN auspices, a fact that should make it more (not less) accountable to the UN membership. There are few if any weapons systems on the horizon susceptible to the "Ottawa" treatment, so it is unlikely that the CD will be replaced by a series of specialised conferences, but the Conference should recognise its limitations and treat other constructive initiatives as complementary to its work, not as rivals. The group system is not inherent to the CD, but arose to manage decision-making. Many states are already voting with their feet and forming cross-group alliances of "like-minded" states on certain issues... the demise of the group system will strengthen rather than harm the CD, but care must be taken to develop workable alternatives.

Thank you to all who participated and contributed your thoughts and perceptions. My particular thanks to Dr Patricia Lewis, director of UNIDIR, for her timely initiative in setting up this electronic conference and the UNIDIR meeting in Geneva, which have helped to promote a constructive and much-needed exchange of ideas among the protagonists, academics and practitioners in this field.

CLOSING STATEMENTS

Patricia Lewis, Director of UNIDIR

On behalf of everyone at UNIDIR, I should like to thank all the panellists and respondents for their insightful comments on the future of the CD and its agenda. On Monday, January 19th, UNIDIR held an off-the-record discussion meeting on the same topic at the Palais des Nations in Geneva. It was the day before the first plenary session of the CD for 1998. The room was packed to bursting with even ambassadors having to sit in the gallery. Rebecca Johnson made a presentation and then there were responses from ambassadors and officials of delegations. The electronic conference proceedings - as they stood at that point - were copied and circulated at the meeting and were well received.

There is clearly a sense of frustration at the lack of progress in 1997, but as yet, there still seems to be little agreement on how to proceed. In the official plenaries this week, a number of proposals for breaking the deadlock on nuclear disarmament issues have been made, notably those from South Africa and Canada. No doubt more countries will add their contributions. Things have got off

to a better start this year, but it will take an enormous amount of effort to really move things along. It is unfortunate that, for financial reasons, Russia will not replace Ambassador Berdennikov when he leaves the CD next month. Not only will he be missed, but also the Russian delegation will be more stretched without a dedicated ambassador for disarmament here. This may be a sign of things to come or it may be a singularity. Much will depend on progress made in the CD.

This electronic conference will have played its part in that progress by airing the issues so plainly and by focusing attention on the difficulties now facing the CD. Thank you again to the distinguished panellists, the respondents and to all who were reading the conference as it proceeded.

Cathleen Fisher, Senior Associate, Henry L. Stimson Center
Stephanie Ghetti, Visiting Researcher, Henry L. Stimson Center

The Stimson Center would also like to thank everyone who participated in the conference, especially our distinguished panellists: Ambassador Dr. Mahmoud Karem, Rebecca Johnson, John Bolton, Ambassador Miguel Marin Bosch, and Dr. Savita Pande. As Dr. Lewis noted, there is obviously much to be discussed and decided in the near-future regarding the future role and agenda of the CD. The thoughtful comments of our panellists and that exchange among the participants have made a significant contribution to that debate.

We hope that our Forum participants have found the conference as interesting and stimulating as we have, and that you will be encouraged to participate in future conferences.