

# Comprehensive Programme of Disarmament: Consideration of the Item by the CD

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## The CD Discussion Series

Between December 2010 and July 2011, the UNIDIR project “The Conference on Disarmament: Breaking the Ice” and the Geneva Forum are organizing a series of thematic discussions to examine the myths and realities of the CD—as well as the critical challenges facing it—with the aim to increase understanding of the history, processes and issue areas of this unique negotiating forum.

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**Background paper by Jerzy Zaleski for the discussion “New forms of WMD, transparency in armaments, and a comprehensive programme of disarmament—obsolete or ignored?” organized by UNIDIR and the Geneva Forum, 6 May 2011**

## Origins of the item on the comprehensive programme on disarmament

1. The origins of a comprehensive programme of disarmament (CPD) can be traced to article 11 of the Charter of the United Nations, according to which the General Assembly is mandated to consider “principles governing disarmament and the regulation of armaments” and to “make recommendations with regard to such principles to the Members, or to the Security Council or to both”. In 1969, the Secretary-General of the United Nations, U Thant, suggested that the General Assembly could establish a specific programme and timetable for dealing with all aspects of arms limitation and disarmament. Subsequently, the General Assembly, while declaring the 1970s as a Disarmament Decade, requested, inter alia, the Conference of the Committee on Disarmament (CCD) to elaborate a comprehensive programme on all aspects of the cessation of the arms race and general and complete disarmament under effective international control.<sup>1</sup>

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<sup>1</sup> General Assembly, *Question of General and Complete Disarmament*, UN document A/RES/2602(XXIV)E, 16 December 1969.

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Until October 2009, **Jerzy Zaleski** served as the Senior Political Affairs Officer in the Geneva Branch of the United Nations Office for Disarmament Affairs, acting as the Secretary of the Conference on Disarmament and a senior member of the Secretariat of the Review Conferences of States Parties to the NPT, and earlier also to the Review Conferences of the BWC and CCW. In 2005 he was elected the Secretary-General of the 2005 NPT Review Conference. He also supervised the United Nations Programme of Fellowships on Disarmament. Prior to entering the United Nations Office in Geneva, he was the Head of the Political Division of the Department of the UN System in the Ministry of Foreign Affairs of Poland. His responsibilities included disarmament, arms control and international security and the UN peacekeeping operations; he also acted as the Executive Secretary of the Polish delegations to the UN General Assembly sessions. He holds a master degree in electronics and computer sciences and a postgraduate diploma in international relations. Zaleski is currently an independent disarmament consultant.

2. Between 1970 and 1978, the CCD considered the question and a number of proposals were submitted, most notably, in 1970, a draft comprehensive programme of disarmament by Mexico, Sweden and Yugoslavia.<sup>2</sup> A similar document was presented to the General Assembly that year by those states, together with Ireland, Morocco and Pakistan, however, no agreement was reached on such a programme.<sup>3</sup>

3. In 1978, at the First Special Session devoted to Disarmament, the General Assembly made the following recommendations to the Committee on Disarmament on the elaboration of such a programme:

the Committee on Disarmament will undertake the elaboration of a comprehensive programme of disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail and in which the new international economic order is strengthened and consolidated. The comprehensive programme should contain appropriate procedures for ensuring that the General Assembly is kept fully informed of the progress of the negotiations including an appraisal of the situation when appropriate and, in particular, a continuing review of the implementation of the programme.<sup>4</sup>

4. The Special Session also established the Disarmament Commission, which was requested to consider the elements of the CPD and to submit its recommendations on the subject to the General Assembly and, through it, to the Committee on Disarmament. Accordingly, the Disarmament Commission elaborated the “Elements of a comprehensive programme of disarmament”,<sup>5</sup> which the General Assembly, after examination, transmitted to the Committee on Disarmament.

## Consideration by the Committee/Conference on Disarmament (1980–1992)

5. The item “Comprehensive programme of disarmament” was included on the agenda of the Committee on Disarmament in 1980 and was subsequently taken up by the Ad Hoc Working Group, established by the Committee and mandated “to initiate negotiations on the comprehensive programme on disarmament ... with a view to completing its elaboration before the second special session of the General Assembly devoted to disarmament”.

6. During the 1980 session, the Ad Hoc Working Group, chaired by Ambassador Oluyemi Adeniji of Nigeria, adopted an outline of the CPD consisting of seven chapters: “Introduction or preamble”, “Objectives”, “Principles”, “Priorities”, “Measures”, “Stages of implementation” and “Machinery and procedures” and held a general exchange of views on these chapters.<sup>6</sup>

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2 Conference of the Committee on Disarmament, *Draft Comprehensive Program of Disarmament*, document CCD/313, 27 August 1970.

3 See UN document A/8191 and Corr.1.

4 General Assembly, Final Document of the Tenth Special Session of the General Assembly, UN document A/S-10/2, 30 June 1978, para. 109.

5 General Assembly, *Report of the Disarmament Commission*, UN document A/34/42, 25 June 1979, para. 19.

6 General Assembly, *Report of the Committee on Disarmament*, UN document A/35/27, 26 September 1980.

7. In 1981, the Ad Hoc Working Group, chaired by Ambassador Alfonso García Robles of Mexico,<sup>7</sup> achieved agreement in some areas of the programme, such as objectives, principles and priorities. However, fundamental divergences of views emerged with regard to the main elements of the programme, such as measures and stages of implementation and their time frames. Differences also emerged on machinery and procedures. In addition, divergent views were expressed with regard to the nature of the programme. Most CD members were of the view that the programme should embody a firm commitment to its implementation but it could not, however, constitute a legally binding instrument. On the other hand, some members of the Group of 21 considered that the programme should create legal obligations to implement the measures included therein.

8. In 1982, the Ad Hoc Working Group concluded its work with the elaboration of a 44-page draft comprehensive programme,<sup>8</sup> which was annexed to the report of the CD on the Second Special Session devoted to Disarmament. With the exception of the chapter on priorities, there were disagreements in all other chapters, the most significant of which were related to the measures and stages of implementation, time frames, and the nature of the programme. At the Second Special Session, intensive efforts were made in the Working Group on the CPD to achieve agreement on this draft programme; they were, however, inconclusive. Subsequently, in the Concluding Document of the Twelfth Special Session, the Assembly stated the following:

To this end, the draft Comprehensive Programme of Disarmament is hereby referred back to the Committee on Disarmament, together with the views expressed and the progress achieved on the subject at the special session. The Committee on Disarmament is requested to submit a revised draft Comprehensive Programme of Disarmament to the General Assembly at its thirty-eight session.<sup>9</sup>

Although, after the Special Session, the Ad Hoc Working Group on CPD was re-established, it did not resume substantive work in 1982.

9. During the 1983 session of the CD, the Ad Hoc Working Group proceeded with the elaboration of the programme in five contact groups dealing with its various sections, namely: objectives, principles, priorities, measures and stages of implementation, as well as on machinery and procedures. The Working Group focused its consideration only on the first stage of implementation of the programme, leaving out the intermediate and last stages. The results annexed to its report to the CD entitled "Texts for the comprehensive programme of disarmament submitted by the Ad Hoc Working Group" were much shorter than the previous draft (only 21 pages).<sup>10</sup> Many paragraphs were still not finalized, no agreement was reached on the stages of implementation, and also the draft introduction was not even considered due to the lack of time. With regard to the request of the Special Session concerning the submission of the revised draft of the programme to the thirty-eighth session of the General Assembly, the Chairman of the Working Group suggested that the General Assembly would have to adopt the shortened draft or return it to the CD for further negotiations. The Chairman also emphasized that finalization of the programme could take at least three years.

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7 Ambassador Alfonso García Robles chaired all the subsidiary bodies on the CPD from 1981 to 1989.

8 General Assembly, *Report of the Ad Hoc Committee of the Twelfth Special Session*, UN document A/S-12/32, 9 July 1982, appendix I.

9 *Ibid.*, para. 63.

10 General Assembly, *Report of the Committee on Disarmament*, UN document A/38/27, 6 October 1983, pp. 146–67.

During the consideration of the issue in the First Committee, the most sceptical views on the draft were expressed by some non-aligned states. In an effort to stimulate negotiations on the programme, Brazil suggested sending the draft to the Disarmament Commission, since it was the body that had established the guidelines for the elaboration of the programme and it was composed of all the UN membership. Although some states shared that view, during consideration of the draft resolution Brazil withdrew its modified proposal providing for examination by the Disarmament Commission of “possible approaches that could facilitate progress towards the elaboration by the CD of the comprehensive programme of disarmament”. Subsequently, the General Assembly urged the CD to renew its work on the elaboration of the CPD and to submit a complete draft of the programme no later than its forty-first session in 1986.<sup>11</sup>

10. In 1984, positions of the members of the Conference on Disarmament<sup>12</sup> had not undergone any significant changes. After a very limited substantive discussion, the Ad Hoc Committee on the Comprehensive Programme of Disarmament concluded that, in the absence of any progress towards the resolution of outstanding issues, it would be not possible to continue elaboration of the CPD at that session.

11. In the subsequent years, only modest progress was achieved. Serious differences persisted on fundamental questions, such as a nuclear-test-ban treaty, the relationship between bilateral and multilateral negotiations on nuclear disarmament, negotiations on the prevention of an arms race in outer space and prevention of nuclear war. Also, there was no agreement on stages of implementation of the programme, including time frames as well as the nature of the CPD. In 1986, the Ad Hoc Committee intensified its efforts to complete the draft programme so that it could be submitted to the General Assembly at its forty-first session, as requested in resolution 38/183K. However, despite some progress achieved in the sections on nuclear weapons, conventional weapons and armed forces, related measures, and machinery and procedures, it was not possible to resolve all outstanding issues. Next year, the number of brackets in the Programme substantially increased.

12. At the early stage of the 1988 session of the CD, the Ad Hoc Committee intensified its efforts to complete the elaboration of the Programme for submission to the Third Special Session of the General Assembly devoted to Disarmament. Texts of some paragraphs were agreed, for example those concerning the Biological Weapons Convention, the prevention of an arms race in outer space and verification. Agreement was also reached on stages of implementation of the Programme and the review mechanism. However, the contents of the stages were described in very general terms and no time frame was provided for their implementation. Differences still persisted with regard to a nuclear test ban and on multilateral negotiations on nuclear disarmament, as well as on the prevention of nuclear war and the relationship between disarmament and development.

13. The failure of the Third Special Session to adopt a concluding document and the short time available in the remaining part of the 1988 session of the Conference did not allow for any meaningful progress on the Programme to be achieved, with the exception of narrowing

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11 General Assembly, *Comprehensive Programme of Disarmament*, UN document A/RES/38/183K, 20 December 1983.

12 In 1984, the Committee on Disarmament, taking into account General Assembly resolution 37/99K, part II, decided to designate itself as the “Conference on Disarmament”. Subsequently, its Ad Hoc Working Groups were designated as “Ad Hoc Committees”.

some differences in the chapter on principles. The results of negotiations on the Programme were annexed to the report of the Ad Hoc Committee to the Conference on Disarmament.<sup>13</sup>

14. In 1989, the Ad Hoc Committee reached consensus on some elements in “Objectives”, “Bilateral negotiations” and in the section dealing with “Disarmament and international peace and security”. However, the revised texts of the contact groups on “Principles” and “Nuclear-weapon-free zones” were not accepted by the Ad Hoc Committee. In addition, the contact groups on “Multilateral negotiations” and “Prevention of nuclear war” could not agree on their reports to the Ad Hoc Committee, and the text elaborated by the Friends of the Chair on “Disarmament and development” was not accepted by the Ad Hoc Committee.<sup>14</sup> In view of the persistence of different approaches on a number of key issues, the Ad Hoc Committee agreed to “resume work with a view to resolving outstanding issues in the near future, when circumstances are more conducive to making progress in this regard”,<sup>15</sup> thereby, in practical terms, suspending the work of the Ad Hoc Committee on the Comprehensive Programme of Disarmament.

15. Since then, the Ad Hoc Committee has not been re-established and, from 1990 until 1992, the item was considered by the Conference itself and the results were summarized in the reports of the Conference. Although in 1992 the Conference agreed that the organizational framework to deal with this agenda item be considered at the beginning of the 1993 session, such a framework was not established. As a result, paragraphs 83–90 of the 1992 report of the CD provide the last comprehensive record on consideration of the CPD.

## **Attempts to revitalize the item on a comprehensive programme of disarmament (1997–2010)**

16. Following the conclusion of negotiations on the Comprehensive Nuclear-Test-Ban Treaty in 1996, at the next session of the Conference, in 1997, a number of members proposed the elaboration of a new agenda for the Conference, which would, inter alia, include separate items on negotiations on fissile material, as well as on a ban on anti-personnel landmines. As there was no agreement on the inclusion of such new items, an understanding was reached that the issue of fissile material would be dealt with under the existing item “Cessation of the nuclear arms race and nuclear disarmament” while a comprehensive global ban on anti-personnel landmines (put forward by President Clinton of the United States in his address to the Conference), would be dealt with under the item “Comprehensive programme of disarmament”.<sup>16</sup>

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13 General Assembly, *Report of the Conference on Disarmament*, UN document A/43/27, 3 October 1988, pp. 268–300.

14 The revised version of the draft Comprehensive Programme of Disarmament was annexed to the report of the Ad Hoc Committee; see General Assembly, *Report of the Conference on Disarmament*, UN document A/44/27, 22 September 1989, pp. 316–50.

15 *Ibid.*, p. 315.

16 The Presidential statement made since 1997 in connection with the adoption of the CD agenda reads as follows: “In connection with the adoption of this agenda, I as the President of the Conference on Disarmament, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda”.

17. Subsequently, the Conference appointed a Special Coordinator with the mandate to conduct consultations on a possible mandate on the question of anti-personnel landmines. In 1998, the Conference also appointed the same Special Coordinator on the issue, but that time with the task of seeking the views of the members of the Conference on the most appropriate way to deal with the questions related to anti-personnel landmines, taking also into account developments outside the Conference. The Special Coordinator reported that he was unable to put forward a proposal that would enjoy the full support of all members of the Conference, and concluded that it was less a matter of crafting the right language and more a question of finding the necessary political will to take a decision to negotiate a transfer ban on anti-personnel landmines.

18. The item "Comprehensive programme of disarmament" was also the subject of consultations of Special Coordinators on the Review of the Agenda. In 1997, the Special Coordinator reported that a great number of delegations from all groups suggested the deletion of the item "Comprehensive programme of disarmament" or at least indicated willingness to join consensus for such a deletion. At the same time, others called for the retention of the item and its expansion to cover nuclear as well as conventional weapons (what, in fact, was an attempt to revive this item, which had been dormant since 1993). Furthermore, more radical proposals were made to replace it by a new item entitled either "Conventional weapons" or "Anti-personnel landmines".

19. In 2001, consultations of the Special Coordinator on the Review of the Agenda indicated a new approach to the item "Comprehensive programme of disarmament". He recalled that in 1997 discussions on the agenda of the Conference ended in compromise, whereby the Conference maintained its previous agenda essentially unchanged, accompanied by a statement by the President that "if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda". Since then, this has been the standard procedure of the Conference at the beginning of each yearly session and, subsequently, the Presidential statement conferred a considerable measure of flexibility to the agenda. He also noted that this flexibility was further enhanced by an apparent general understanding that any disarmament issue could be subsumed under the item "Comprehensive programme of disarmament", if the Conference so decided.

20. In 2006, during the focused debate on the item "Comprehensive programme on disarmament", some proposals on the future of the item were presented. Some delegations were in favour of addressing the issue of an arms trade treaty under this item, and as well envisaged possibilities of some preliminary elaboration of traditional and new disarmament issues.

21. Since 2007, the informal meetings on the item have been chaired by the Coordinators appointed by the Presidents of the Conference. During these informal meetings, delegations have raised a broad range of issues, both in the area of conventional armaments as well as in the area of nuclear weapons, which could be considered under this item. There were some views indicating interest in resuming consideration of the CPD, with its original mandate, which was guiding the work of the Conference on this issue up to 1992. On the other hand, there were views, similar to those expressed in the Conference 1997, during the search for new priorities after the conclusion of negotiations on the Comprehensive Nuclear-Test-Ban Treaty, on the need for addressing various aspects of conventional arms control,

thus reviewing the predominantly nuclear agenda of the Conference on Disarmament and updating it with conventional items.

## Conclusions

22. The history of the consideration of the item “Comprehensive programme of disarmament” could lead to the conclusion that after 1992 its original meaning was completely changed when it became evident that there was no magic formula for addressing and solving all aspects of disarmament in one single treaty. The inability of the Conference to review its priorities after conclusion of work on the Comprehensive Nuclear-Test-Ban Treaty and to agree on an agenda that could be responsive to the new political atmosphere after the end of the Cold War has resulted in the petrification of its agenda and the hiding of new emerging priorities for the Conference behind items on the agenda which, over time, have resulted in the loss of interest of the members of the Conference, or has led the Conference to a dead end. Some of these issues, such as the prohibition of landmines, have been successfully concluded outside the Conference and this fact should be seriously considered in the context of the effective functioning of the CD. It could be argued that due to its inability to take up new challenges, without losing from its view the complex global issues on the disarmament agenda, has put into question the role of the Conference as the “single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus” mandated by the First Special Session of the General Assembly devoted to Disarmament.

23. The evident lack of results on the CPD raises the issue of the rationale for keeping this item on the agenda of the Conference. Together with the items “New weapons of mass destruction and new systems of such weapons” and “Transparency in armaments”, it has already been given “second class” status and, in the proposals on the programme of work for the Conference submitted during the last decade, it has never been considered as an issue deserving consideration by a subsidiary body.

24. The current agenda of the Conference is a legacy of the Cold War, with its evident emphasis on nuclear weapons in the context of the bygone era of competition between NATO and the Warsaw Pact. There are, however, other priorities that the Conference identified for itself at the beginning of its existence in 1979 and that are listed in the so-called “Decalogue”. Some of them could stimulate the Conference to overcome its current deadlock so that it could proceed to the implementation of its negotiating mandate. It would be worth revisiting them during a serious review of the agenda. Such a review should be focused on making the agenda, the basic document of the Conference, responsive to the new challenges that are facing the world now, more than two decades after the end of the Cold War.

# UNIDIR RESOURCES

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