Exchange with the High Representative for Disarmament Affairs and other High-Level Officials on the "Current state of affairs in the field of arms control and disarmament and role of the respective organizations"

First Committee, New York, 15 October 2008

Comments by Tim Caughley (Deputy Secretary-General of the Conference on Disarmament) for Mr Sergei Ordzhonikidze, Secretary-General and Personal Representative of the UN Secretary-General to the CD.

INTRODUCTION

The stalemate in the Conference on Disarmament has been longstanding. But it needs to be made clear that this does not mean that the CD is moribund. Lacking in results, yes. But the Conference is arguably the closest it has been since 1998 to reaching a consensus on a programme of work. Taking stock of the state of affairs in the CD from the Secretariat's perspective, I offer the following remarks. A perspective from the current President of the Conference, Ambassador Mundarain of Venezuela, will be expressed during the thematic debate on disarmament machinery during the morning of Thursday 23 October in this room.

HIGHER POLITICAL AND PUBLIC PROFILE

The Conference began its work this year under an unusually high level of attention. Following the address by the UN Secretary-General at the opening of the 2008 session, and his call to political leaders to come to the CD, a total of 18 dignitaries from the 65 Members addressed the Conference to express their support. Additionally, on 12 February, the Russian Foreign Minister submitted, along with China, the draft "Treaty on Prevention of the Placement of Weapons in Outer Space and on the Threat or Use of Force against Outer Space Objects (PPWT)".

These events had a positive and energizing impact in raising both the political and public profile of the CD, attracting increased press coverage of the work of the Conference, and leading to more than 50 articles during this year.

PRESIDENTIAL LEADERSHIP

Within the Conference, the tradition of continuity among Presidents of the Conference has been maintained for a third year, with the 2008 Presidents sustaining the practice of a collegial Presidency known as the P-6. The six Presidents have been assiduous in their commitment to providing leadership. It is already clear that the incoming Presidents intend that it will be continued in 2009, and Vietnam is to be congratulated on its leadership in initiating and securing early cohesion among next year's six Presidents.
The continuity of leadership has enabled the development of a schedule for activities throughout the entire year, and this has helped engender real coherence of activities, in contrast to the ad hoc approach taken in previous sessions.

The 2008 Presidents also continued the valuable practice of their predecessors of tabling a Presidential progress report at the end of each of the three parts of the annual session. The CD has become more inclined than in the past to recognize the value of regular presidential reports and records of major activities.

In addition, the Conference again developed a substantive report to the UN General Assembly this year in a good and businesslike spirit. Venezuela is to be applauded on its leadership in pulling together the report together with fellow members of the P-6 of 2008.

THEMATIC DEBATE

The thematic debate on seven substantive items on the agenda of the Conference continued this year, carrying on the tradition that began in 2006. The seven Coordinators appointed by the 2008 Presidents have also been very conscientious in supporting the Presidency. The work on the seven agenda items which they coordinated under the responsibility of the Presidency demonstrated that the capacity for close and active engagement by Members is more than simply latent. Essentially, that work is geared towards helping determine the relative ripeness of the respective agenda items for more intense treatment by the CD.

It has to be noted that some members remained reluctant towards giving formal status to the Coordinators, a role which is neither ruled out by the Rules of Procedures nor explicitly envisaged. A small minority of Members would have preferred to see the establishing of subsidiary bodies, which are envisaged but not explicitly required by the Rules of Procedure. In any event, in the absence of agreement on a formal programme of work, the Coordinators played useful roles in facilitating thematic debates on all substantive items on the CD’s agenda.

SUSTAINING MOMENTUM

The main development of 2008 was the introduction by the six Presidents of a further refinement to the proposal by their predecessors in 2007 for addressing the priorities on the CD’s agenda. The new proposal for a programme of work – a slightly revised version of that of their predecessors - was seen as increasing the prospects of its adoption. The new proposal (CD/1840) contained essentially the same mandates as the 2007 Presidential proposal (L.1), namely to negotiate an agreement banning the production of fissile material for nuclear weapons use and other nuclear explosive devices, while providing for “substantive discussions” on the other three core issues – nuclear disarmament, negative security assurances and the prevention of an arms race in outer pace (PAROS).
A wide range of delegations supported the Presidential proposal. However, it became clear that it was not yet capable of securing consensus. Although no explicit opposition has been voiced to a negotiation of a fissile materials treaty per se, clear concerns remain about the scope of such a treaty and its verification requirements. Many delegations believe that these concerns are capable of being addressed in the negotiations, and call for the early commencement of negotiations without preconditions.

It must be noted, too, that certain linkages continue to be drawn, conditioning the proposed treatment of one issue to the treatment of another issue or issues. Indeed, there were also continued calls for a "comprehensive and balanced" programme of work, seeking an equal treatment of the four core issues. A number of Members questioned, however, the practicality of taking up the four issues simultaneously. This state of affairs suggests that flexibility will be required on the scope of the qualification that the programme of work needs to be "comprehensive and balanced".

In this context, it is noteworthy that Russia and China tabled the text of their draft Outer Space Treaty with a "research" mandate, not a "negotiating mandate". While their aspirations to conclude such an instrument were well-known, they showed flexibility by not insisting on the negotiation of the treaty at this time.

CHALLENGES AND QUESTIONS

Resolving the shape of a programme of work remains, thus, the CD’s most urgent challenge. Through a decade-long deadlock over this issue, and via a series of refinements of a comprehensive approach – through proposals known as Amorim, the Five Ambassadors, L.1 and now 1840 – it is inescapable that the CD continues to pursue an ambitious outcome. Mindful that there are firm proposals on individual core issues already on the table - including the US draft fissile materials treaty and an accompanying negotiating mandate, there is a certain irony that in aiming for a comprehensive approach the Conference continues to end up without a programme of work.

The thematic debates for the past three years, however, have served to demonstrate that some issues are “riper” than others. To this extent, and in a positive vein, the transition from procedural debate to concrete substantive work should be a comparatively easy one when the moment comes, notwithstanding the complexity of the subject matter.

Whatever the actual vehicle that carries the CD into the next substantive negotiating phase of its history, it remains essential that in the absence of a programme of work the Conference continue to develop an annual timetable that allows Members to feel satisfied that time will be allocated to the issue or issues to which they attach importance. This leaves it up to delegations to sustain the coverage of their prime issue or issues by deepening the treatment of any issue through such means as tabling new or amended draft instruments or mandates on the issues they are seeking to promote, and increasing the participation of experts from capitals.
It is tempting from the Secretariat’s perspective to ask, perhaps simplistically, whether the Conference should treat its annual schedule of activities as its programme of work and focus on individual mandates for the key activities covered by such a schedule, taking them forward initially, in the absence of agreement on any subsidiary forum, in informal or formal sessions of the Plenary. This would not necessarily overcome the problem of linkages, but it might serve to make them less institutional.

RECONSIDERING WORK METHODS

A question sometimes posed by Members is the value of the current regional groupings in the CD. Like several other issues of procedure, this question will lose its significance, if not its relevance, at the point at which the CD is actually involved in substantive work once more. But it is worth noting that whatever one’s views on regional groupings, there is nothing to prevent the emergence of a cross regional approach to finding solutions to the CD’s current impasse.

CONCLUSIONS

In conclusion, there has been an increase in the intensity of the work of the Conference, demonstrated in part by a marked rise in the number of dignitaries attending the Conference, especially in 2008. This helped to enhance the political and public profile of the Conference, including through greater media coverage, and served to energise the CD. A valuable consistency of practice and cohesion has also characterized the CD’s work methods these past three years.

There are clear signs that the incoming Presidents for 2009 led by Vietnam are gearing up to sustain this state of affairs. There are growing expectations among Members of a breakthrough. From the Secretariat’s perspective, we remain eternally optimistic and ready to assist in any way we can.