

# Transforming 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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## Transforming the Conference on Disarmament: Multilateral Arms Control and Disarmament for a Pluralistic World

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The Conference on Disarmament (CD), established as the “single multilateral disarmament negotiating forum”<sup>2</sup> of the international community, has become an international disappointment. After having negotiated a number of vital treaties over the years, more than a decade has passed since the CD negotiated its last disarmament treaty, the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 1996. Bound inexorably by its rules of procedure requiring consensus, the CD has not been able to agree even on its annual programme of work. Frustration is abundant, but little if anything has been done to try to change the dynamics affecting the CD’s dismal performance. The overriding need for consensus has led to the CD’s de facto demise over the last decade as an effective operational negotiating body. What remains is a hollow shell.

Change is urgently needed. Today’s world is very different from the Cold War world in which the CD and its goals were established. The differences in today’s needs and priorities for arms control and disarmament are so great that they argue for looking at the CD and its purpose in a whole new way—not just reform but transformation. At this point, reform would be “too little, too late”.

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The purpose of this paper is to provide options for CD members to consider as they contemplate what to do about the current unsustainable situation. The paper is not an advocacy piece, except insofar as it argues for the continuation of the CD in some form. Nor is it an academic research paper but rather seeks only to present information and options in the most useful and provocative way to stimulate discussion. In this regard, the footnotes are an integral part of the text and provide additional relevant information to supplement the points made in the paper itself. The overall theme of the paper is that something must be done by CD member states to make the CD workable again, and soon.

## Prologue

First established in the late 1950s as the Ten-Nation Committee on Disarmament, the Committee evolved quickly into the Eighteen-Nation Disarmament Committee and then through other organizational iterations until it basically reached its current configuration in 1979–1980. The CD has always been a semi-autonomous international body, being supported administratively by the United Nations. The CD reports annually to the UN General Assembly and takes advice but not instruction from it. It is governed by its own Rules of Procedure (agreed in 1979).

The main purpose of the CD from its inception was to act as a political pressure valve for the Cold War by undertaking negotiations on a range of disarmament issues. Essentially operated by the United States and the Soviet Union until 1979, the CD was intended to provide confidence to the world that the nuclear arms race was under a modicum of control, with the two superpowers in virtually constant contact and talking with each other in Geneva. Further confidence was provided through the mechanism of inviting a growing number of states to join the CD's proceedings as members or observers, thus enhancing the multilateral aspect of the organization's work, even if multilateralism was a secondary aspect of disarmament at that time.<sup>3</sup> The US–Soviet condominium was broadened in 1979 with the adoption of new Rules of Procedure that permitted other states to share in the leadership of the CD and thus putatively increase their influence on the two superpowers.

The CD and its predecessors were intended to act primarily as a negotiating body, with discussion of other arms control issues taking place at the same time. The organization essentially served its purpose well, with several key treaties negotiated, such as the Non-Proliferation Treaty (1968), the Biological Weapons Convention (1972), the Chemical Weapons Convention (1993), the aforementioned CTBT (1996), and some other treaties in between. The CD's autonomous work was further encouraged, defined and supported internationally by the Final Document of the First Special Session of the General Assembly devoted to Disarmament in 1978, which was approved by consensus. (Two subsequent Special Sessions in 1982 and 1988 failed to produce consensus final reports, and efforts to hold a Fourth Special Session have come to naught.) The terms of the Final Document thus continue to apply, especially as regards the international disarmament machinery it established, although some of the document's language on the substance of disarmament issues has become somewhat outdated.

## Paralysis

The beginning of the CD's decline can be rather precisely dated to June 1995. In that month, during debate on the mandates for Ad Hoc Committees (AHC) for each of the various items on the CD's agenda, the concept of linkage was introduced for the first time. Theretofore, each item on the CD's agenda of arms control issues had been debated on its own merits, with the terms for each AHC negotiated individually without reference to any other AHC's mandate. In June 1995, this practice ended when some CD delegations refused to approve one AHC's mandate unless agreement was reached to approve the mandate for another AHC. Since that date, no AHC has been able to begin work until all AHCs could begin work.<sup>4</sup> The linkage formula was toxic to the CD's functioning, and except for a brief few months in 1998 when the mandates for all AHCs were agreed, the CD has been deadlocked.<sup>5</sup>

Adding to this practice is the inability of the CD to agree on ways to limit the application of the rule of consensus (or, one could also say, properly interpret that rule). In essence, this rule is applied to all aspects of the CD's work, even the most minor administrative issues. Certain CD members believe that once the rule of consensus is mitigated for any aspect of the CD's work, the so-called "slippery slope" will insure that eventually the CD will begin to take decisions by voting on its substantive negotiating agenda, thereby eliminating the ability of CD members to veto matters that they believe affect their vital national security interests.<sup>6</sup>

It should be remembered that for most of the Cold War period, the basic truth was that on security matters as applied to the CD, consensus meant agreement between the United States and the Soviet Union, and, by extension, their respective treaty allies. In other words, the crucial decisions were to a large degree bilateral (and subsequently multilateralized). Occasionally there were challenges to this system, exemplified by the refusal of several countries to accept the Environmental Modification Convention of 1976 or to follow the US–Soviet initiative on banning radiological weapons, submitted in 1979. But these challenges did not prevent negotiations on other issues, nor even the setting up of subsidiary bodies with proper mandates on subjects that one or more states considered unnecessary. Today, however, the situation is radically different in the sense that there are more powers with their own national security and economic interests (disarmament does affect military industry and even wider segments of economies); these powers now take part in negotiations not just to press the superpowers to disarm or reduce their weapons, but also to negotiate their own disarmament and broader security needs. This has transformed consensus from achieving basically a bilateral compromise into the search for a more than lowest common denominator among various players having various concerns. This is obviously a much more challenging task. All this means, among other things, is that singling out the issue of consensus as the main obstacle and the weakest feature of the CD would not be correct.

It is the mutually reinforcing interplay between consensus and linkage that has proven so deadly to the CD's ability to function. This virulently negative situation also emphasizes another, larger reality about the CD that virtually no one has broached—that the CD is a body rooted in the Cold War, and that it has not changed the rules and practices that were created by the requisites of that now long-gone conflict. The CD's failure to adapt to the new post-Cold War era and to the new disarmament realities that have subsequently

emerged mean that the CD has been effectively frozen in time, as well as in its view of international disarmament politics. Even its agenda (the Decalogue) remains frozen, a product of the 1978 consensus that produced it, and a reflection of the Cold War concerns that motivated it. While CD speeches may sometimes refer to new disarmament dynamics, the organizational work programme that reflects the CD Decalogue remains unchanged.

The CD's failure to adapt to new circumstances and to enable itself to accomplish its goals stands in stark contrast to other organizations that have renewed or adapted themselves after the end of the Cold War. A prime example is the North Atlantic Treaty Organization (NATO), which not only has admitted a number of new members that reflect the post-Cold War revision of national boundaries and states, but has also modernized its mission to incorporate new objectives and to expand its area of application. Like the CD, NATO also operates by consensus and is a quintessential security organization, but NATO practice is to recognize when the applicability of the consensus rule could damage the organization's role and to informally bypass the rule when necessary.<sup>7</sup>

Another organization that has modernized itself is the Human Rights Council (HRC). Originally established as the Commission on Human Rights in 1946, the organization became locked into repetitive, outmoded and politically destructive debate that detracted from the achievement of the organization's mission. Through a deliberate and conscious effort to renew itself in 2006, the HRC attempted to revitalize its mission and to modernize its organizational practices. The HRC continues, however, to experience many of the same problems that its predecessor did, but at least the attempt was made to change the organization in the hopes of changing the dynamics that affect its ability to achieve its objectives.

The CD has made no such attempt at organizational change. It continues to exist in a Cold War time warp that will eventually degrade the body's reputation to the point where it will lose the interest of the international community.<sup>8</sup> This will occur, however, only when a better way is found to manage the international disarmament agenda. Until then, as the constant interest level of the international community in the CD attests, there is no alternative as yet but to work within the CD's existing constraints and look for ways to overcome them to reach a new understanding of the CD's purpose and methods of work.

## Persistence

In the absence of any alternatives, it is therefore no wonder that the CD continues not only to exist, but that it persists in remaining politically and substantively important to the international community. No member of the CD has withdrawn from the body,<sup>9</sup> although some delegations have downgraded their leadership from the ambassadorial level. In fact, applications for CD membership continue to be submitted, and the number of observer applications (which have to be renewed annually) has remained about the same over the years. In essence, and despite the lengthy deadlock in the CD's work, the interest in the CD so clearly evidenced by UN Member States remains constant despite ever increasing criticism and high-level frustration.

The lack of a viable alternative to the CD, the difficulties in finding consensus in the CD and the need to remain relevant to international disarmament have pushed CD members to find creative alternative ways to conduct business. Prime among these has been the elaboration of a framework of structured discussions on the disarmament issues that make up the CD's agenda. Although the official work programme remains unapproved and negotiations are stalled, the CD has informally agreed to undertake these discussions as a way to enhance its professional expertise and understanding of the issues involved. These discussions have at least shown the desire of the CD to maintain its knowledge level concerning the substantive aspects of disarmament, and have even allowed outside opinions to enter the debate via the introduction of invited expert speakers into the discussion programme. The result has been to improve the quality of disarmament debate among the CD's members, to clarify the various political positions on disarmament issues of the CD's members and observers, and to indicate through the CD's annual report to the General Assembly that some useful work is at least taking place informally.

This situation points inexorably to the fact that the international disarmament community is not actively searching for a new body to replace the CD, but is trying to find a way to make the CD reflect, both substantively and operationally, the imperatives of a new political age. Although two major international disarmament treaties have now been negotiated outside the CD framework,<sup>10</sup> the continuing effort to make the CD work indicates that the international community believes that bringing all UN members under the disarmament tent remains a more effective way to proceed. In this sense, the issue is not whether the CD will wither away as did the World Disarmament Conference in the 1930s, but how to make the CD more useful to the international community.

## Transformation

Nothing is more frustrating than trying to make something do what it can no longer do. The time has arrived to recognize realities and adapt to them. In the case of the CD, this is not only possible, it is absolutely necessary.

One of the major realities to recognize is that the CD has been overly oriented to negotiations as its primary objective. This was the product of a Cold War political environment that was characterized by fear of the uncontrollable nature of the nuclear arms race between the United States and the Soviet Union. The goal was to set up an organization that would work toward bringing the arms race under control through negotiations on a wide range of disarmament issues, but focusing mainly on the nuclear element. It had the additional benefit of bringing the two superpowers into a legitimate arena where they could talk. The creation of this international body also served to allow other concerned states to be present at the table and even participate in the negotiations. It thus acted as an important lightning rod for the political fears and needs of the time, providing a sense and even a likelihood that a modicum of influence could be exerted on the United States and the Soviet Union. It gave the international community a feeling of confidence, albeit limited, that it was not entirely marginalized and helpless. This in turn removed some of the political pressures on the two superpowers since they could find situational allies to support them and thus eliminate the sense of isolation that surrounded them as they fought their ideological battles. It was a good solution for the times, and it worked.

But no longer. It may now be useful to understand that the CD's continuing concentration on negotiations as its main purpose has obscured the fact that its real underlying value to the international community has come to be its ongoing discussions concerning the substantive and political aspects of disarmament and the larger related security issues. Furthermore, finding consensus on starting negotiations has become progressively more difficult as the bipolar world of the Cold War has faded and a polycentric, rather chaotic, world has emerged. No longer can the wishes of two major states sway the rest of the world. Disarmament has become very complicated as the political and security needs of a much wider range of states and regions must be considered. As a result, it has become far more important for states to understand clearly how these changes affect their individual security situations, how other states (especially their neighbours) think about the same problems, and to explore possible solutions to these problems, including the appropriateness of international negotiations.

In fact, the CD needs to understand more pragmatically what its wider interests are. By concentrating exclusively on undertaking negotiations, the CD falls into a psychological and political trap. The harder it tries to begin negotiations, the more difficult it is to do so, especially since those who oppose negotiations use that intense desire to increase their (negative) leverage. Furthermore, the great pressure to begin negotiations only increases the fears of those who worry that control of the negotiation will slip out of their hands, to the detriment of their perceived or real security interests. And, they are probably right [see footnote 6]. The bottom line is that the CD, by insisting only on negotiations, sets itself up for unremitting frustration, which in turn blocks the CD from seeing and acting upon its larger long-term interests.

## Points of Change

These observations lead to the conclusion that the transformation of the CD into a more effective disarmament body for a new age appears to be the most likely solution to the question of dealing with the current organization's problems, not to mention multilateral disarmament as a whole. To this end, what follows below is not a prescription for change, but rather a catalogue from which an acceptable solution can be drawn. The list and the argumentation under each point obviously cannot be exhaustive but hopefully reflect the most important issues to be considered. Furthermore, many of the points are not mutually exclusive and may even be interlinked, but are nevertheless described separately for the sake of clarity.

### The purpose of the CD

1. **Maintain the current focus on negotiations:** This option would be the easiest to achieve politically, since it means no change from the goals of the CD and its earlier iterations. However, it brings with it the risk of permanent deadlock since the same Rules of Procedure will apply with all the attendant problems. It means there can be little hope for moving forward, with only the possibility of "muddling through" to keep things going.
2. **Change the CD into a deliberative body:** In essence, this is what the CD has become by default. It recognizes the utility of permanent discussion of disarmament issues and the rapport that such discussion can bring to CD members. To make discussions

feasible, and since no state's vital interests are involved in simply discussing issues, consensus would not be required to agree on an agenda or work programme. This option would complement the Disarmament Commission in New York, which meets for only a few weeks each year but has the advantage of involving the wider range of delegations at the United Nations that would otherwise be excluded. The issue of how negotiations are to be initiated would have to be solved separately.

3. **Change the CD into a deliberative body, but with the power to mandate negotiations:** The same advantages and conditions as the last option apply, but the CD would judge when negotiations on any particular issue were ready to be initiated and establish a group with a mandate to undertake them. The rules of procedure for each negotiation—to include the need for consensus—would have to be negotiated, as well as the membership of the negotiating group. This option gives more flexibility to the CD to discuss issues freely while still keeping its negotiating mandate; it also refocuses energy on discussion and reduces the emphasis on negotiation, which may actually allow more negotiations to take place since there should be a greater awareness of how they fit into the overall disarmament and security picture world-wide.

### **The membership of the CD**

1. **Keep membership limited:** This option continues the exclusive nature of the CD, but thus retains the virtually exclusive focus on negotiations. Exclusivity was originally established to make negotiations simpler by limiting the number of parties having to find agreement (they then have to “sell” the agreement to the rest). As the options in this paper are explored, arguments for and against continued limited membership will arise since this issue is inevitably interlinked with these options.
2. **Make CD membership universal:** There would seem to be little need for limited CD membership if the body's main focus is to be discussion of disarmament issues. The CD could discuss whether to limit any negotiating groups it sets up and, if limited, to decide the composition of the group.<sup>11</sup> Universal membership enhances the usefulness and legitimacy of the CD's work through its inclusiveness as well as the wider exposure that can be given to various disarmament and security arguments and issues.

### **The autonomy of the CD**

1. **Keep the CD as a semi-autonomous body:** This is the politically easiest solution—applicable to any of the options regarding the purpose of the CD described above—with the retention of current membership and the option to expand. Observer states could continue to be admitted on an annual basis. Semi-autonomy can be important as it allows the CD to operate unimpeded by the institutional and wider political issues inherent in the UN system.
2. **Bring the CD into the UN system:**
  - a. **Place the CD under the General Assembly:** The CD in this case would be subordinate and have to respond to political and negotiating guidance from the General Assembly. Consensus would not apply since the General Assembly is a voting body, unless it determines the CD should have a rule of consensus for some issues. The advantage is that the CD would more accurately reflect the wishes of

all UN members, thus making it easier to obtain General Assembly legitimization for its decisions and negotiating outcomes.

- b. **Place the CD under the Security Council:** The CD, as a disarmament body dealing with security issues, would be very relevant to the Security Council's work. Since it is a much smaller body than the General Assembly, the subordinate role of the CD would be easier to manage since only 15 states would be providing guidance. The CD would still report to the General Assembly on an informational basis and take note of any advice offered, but would respond only to the guidance of the Security Council. Negotiations could be undertaken by the CD at the demand of the Security Council, and under rules established by it. This would mitigate the problem of negotiation blockages created within the CD itself since the Security Council would take into account the wider security and political context in which negotiations would take place. On the other hand, as a body with limited membership, the Security Council could be seen as reflecting the same problems as the similarly limited CD. Furthermore, the Security Council deals almost entirely with political and security issues and is not currently constituted to provide negotiating guidance or instructions.
- c. **Make the CD an independent UN entity:** A transformed CD might be incorporated as an independent UN organization with the same status as other independent UN bodies in Geneva and elsewhere. Such status would require a General Assembly resolution outlining the administrative and substantive aspects of the body, to include its financing. An independent CD might be freer to carry out its deliberative and negotiating functions, and it would have higher status as well to do so.

## The consensus rule

The rule of consensus, which has always been a basic requirement of the CD's operations, has been abused to the point that the body is deadlocked. It has empowered the pernicious practice of linkage. Even the simplest administrative changes cannot be accomplished without specific agreement. The consensus rule was deemed necessary to protect fundamental national security interests and thus enable the major powers (especially the nuclear powers) to join the CD since it assured them (and all other CD members) that such interests could be protected, especially during negotiations. Any transformation of the CD will have to reconsider this rule and explore the possibility of not applying it to issues that are clearly not of fundamental national security interest.<sup>12</sup> For example, consensus may not be needed to carry out a deliberative mandate that does not include negotiations. Or, as in NATO, a "gentlemen's agreement" could be instituted whereby CD members might informally register objections to a decision but not block its approval. Reinterpreting rule of consensus and easing its application is critical to the transformation of the CD or there is no hope for change. At the same time, members must be certain that they can block unacceptable substantive provisions. It is also important that the rule of consensus not be used as a scapegoat for the CD's failure to achieve its objectives. It must be kept in mind that failure to achieve consensus indicates unwillingness to compromise or to undertake the "give and take" so necessary to any successfully negotiated agreement. Without that willingness, no amount of tinkering with the CD's



rules will be successful and the CD will be little more than an arena for ideological posturing.

### **The CD agenda and work programme**

The current CD agenda reflects the disarmament priorities of the Cold War. It takes no account of the disarmament needs of the current age, nor is there any flexibility in changing the agenda. The CD should have the capability of changing its agenda and work programme according to the disarmament needs of the day. While retaining some priority issues such as nuclear disarmament and non-proliferation, the agenda should also take into account newer problems such as disarming non-state actors, dealing with terrorist activity and the need to focus on regional disarmament problems. Member states and observers, along with the CD Secretariat and Presidency, could suggest discussion issues. It should be possible for the CD to accept that most if not all of these issues are deliberative and need not be subject to the consensus rule.

### **The location of the CD**

Venues other than Geneva could be considered for any new disarmament group that would be established. New York might work better as a location for a CD that is brought under the General Assembly or the Security Council, although it is not essential. Geneva would seem, however, to be the most logical location for a transformed CD since it has historically been the site for substantive disarmament work (either discussions or negotiations). A Geneva location would also underscore the separation of substantive work from the more political considerations that typically prevail in New York. This logic governed the continual presence in Geneva of all the CD's predecessors.<sup>13</sup> Lastly, Geneva has built up a post-Cold War image as a place where a more humanitarian viewpoint is being integrated into security affairs, thus bringing new influences to bear on disarmament work.

### **The role of civil society in CD work**

The role of civil society organizations in the work of the CD is severely restricted. CD members believe such organizations would inevitably complicate the work of negotiations, would leak highly sensitive information and would intrude on the prerogative of states to determine the most fundamental of issues for which they are responsible—their security. A transformed CD with a deliberative focus could more usefully benefit from the expertise and viewpoints of civil society organizations specializing in disarmament since they frequently are fonts of knowledge and analysis. A larger role for them in a transformed CD would most likely be beneficial since such organizations can also act as public affairs multipliers for the CD's outcomes, to include helping with the politics of treaty ratification processes. This question must be included in any review of the terms of a transformed CD since it will help in decreasing the political isolation of the body and assist in bringing new ideas and issues into CD debate. This would represent the best chance of having any transformed CD deal effectively with the much wider and complex security issues involved in a decentralized and multipolar world.<sup>14</sup>

## Name Change—The Council on Disarmament?

Any transformation of the CD should most probably be accompanied by a name change to formalize the fact that the new body is different from its predecessors. This was the case for each iteration of the CD as well as for the Commission on Human Rights (now the Human Rights Council). A name change also reinforces politically and psychologically the change in nature of the organization and helps with the formation of a different (and hopefully positive) mental attitude toward the organization's new focus and objectives as well as its culture.


## Getting There from Here

The CD, as a semi-autonomous organization, is the master of its own fate. The CD's transformation can only come from within itself. Based on instructions from capitals, representatives of CD member states are the only ones who can collectively make any changes to the CD, its rules and its working procedures.

Paragraph 120 of the Final Document of the First Special Session of the General Assembly devoted to Disarmament outlines the general terms under which the Committee on Disarmament [sic] will conduct its work as from January 1979. The Final Document makes it clear that the General Assembly was welcoming "the agreement reached following appropriate consultations among [CD] member states" concerning the CD's terms of operation. A similar process of consultations must again take place among CD members concerning the elements involved in transforming the CD. But such consultations and the agreement of new terms for a transformed CD need not depend on the holding of another Special Session devoted to Disarmament, since it is highly unlikely that one will take place. The Special Session process itself is reminiscent of the Cold War and has not proven to be a workable format for agreeing on disarmament issues among UN Members States.<sup>15</sup>

A special consultative process should be set up within the CD, led by the CD Presidency and not tied to any individual President. This should probably not take the usual form of such consultations (for example, a Special Coordinator or Friend of the Chair). Instead, to emphasize the great importance and singular nature of the goal of such consultations, the CD Presidency might agree on appointing a small, fixed advisory group of two members from each of the CD's informal groups to undertake the necessary diplomatic consultations. The members of the advisory group would not be rotated and the group would be responsible to successive CD Presidents. The advisory group would work with the CD's informal groups and others, with discussion and negotiation of the revised terms of work for the CD taking place both privately and at informal (non-public) CD sessions. The results would be compiled in a CD document. After agreement had been reached among all CD members, perhaps at a specially convened high-level meeting of ministers of CD member states to emphasize its importance, a CD report to the General Assembly would describe the changes, which the General Assembly would again doubtlessly welcome as it did the results of the First Special Session.

This CD consultative process must also take account of the possible effect that the CD's transformation might have on the other elements of the international disarmament process, especially the disarmament machinery of the United Nations as set forth in the




Final Document of the First Special Session.<sup>16</sup> New procedural and substantive relationships may have to be established (or at least considered) with the UN Disarmament Commission and the UN First Committee. The role of the UN Secretariat might have to be reviewed and modified as concerns its role and relationship to the CD.<sup>17</sup> There may also be effects on the CCW process as well as on the review processes for existing international disarmament treaties. Furthermore, a more effective CD may well have an impact on nuclear disarmament issues in a way that may make more rapid progress possible.

Transforming the CD is mandatory if the organization is to remain relevant to resolving today's disarmament problems. The effort must be made. The alternative is further stagnation, futility and irrelevance. The disappearance of the CD would be all but assured, leaving a major gap in the disarmament panorama with all the problems and loss of security confidence that would result. This unfortunate outcome would greatly undermine the security interests of the entire international community. Compromise, not further confrontation, is what is needed to save it.

## Notes

- 1 The author wishes to express his thanks and appreciation to Ambassador Sergey Batsanov, Director of the Pugwash Geneva Office, for his many insights and contributions to this paper.
- 2 General Assembly, Final Document of the Tenth Special Session of the General Assembly, UN document A/S-10/2, 30 June 1978, para. 120.
- 3 As the Cold War receded, the bilateral aspect of the CD's work became much less important while the multilateral aspect gradually increased its influence. This evolution in the CD's working environment introduced the theme of situational change to the CD, which adapted itself to a wider range of political influences. This demonstrates that the CD is indeed capable of change if its members want it.
- 4 An exception was made for the AHC on the CTBT, which was well underway at the time linkage was established. This exception allowed work on the CTBT to continue until it was finished in 1996. During this period, the real effects of linkage were thus limited since CD members concentrated virtually exclusively on the CTBT negotiations.
- 5 By the time the AHCs were formed (including one to negotiate a Fissile Material Cut-off Treaty), there was no time remaining in the CD's session to accomplish any serious work. The AHC mandates died at the end of the 1998 session and were not renewed the following year.
- 6 A unique but important exception to the consensus rule was made in the way that the CTBT arrived at the General Assembly for approval. In essence, the General Assembly was allowed to "hijack" the treaty text from the CD report, which had not been agreed by consensus in the CD. The success of the manoeuvre (the General Assembly opened the CTBT for signature and ratification) shows that the CD's consensus rule can be by-passed on special occasions when the overwhelming majority of CD members and others insist. Unfortunately, this manoeuvre has only strengthened the fear of "slippery slopes" among those states that believe their interests would be threatened by a negotiation, thus making it more difficult if not impossible to find consensus to start a negotiation in the CD.
- 7 NATO members informally observe a "gentlemen's agreement" not to block decisions they do not like even as they privately make known their objections. However, NATO's membership is composed of generally like-minded states, making it much easier to bypass consensus than in the CD, whose membership is deliberately composed of antagonistic states with diametrically opposed security objectives. But it should be kept in mind that NATO was established by a treaty, whereas the CD was not. Also, NATO is not a disarmament body but a collective defence organization whose members adhere to the legal precepts of the basic treaty.
- 8 The fate of the World Disarmament Conference in the 1930s, also located in Geneva, could partially be relevant to the CD although the circumstances of the WDC's demise were the product of an entirely different international dynamic. The WDC continued to exist organizationally even after most states abandoned it following Nazi Germany's withdrawal in 1934. It finally disbanded only when the League of Nations, its organizational home, was superseded by the United Nations.
- 9 Some CD members have ceased to exist or have been absorbed or replaced by other CD members (for example, Yugoslavia was dropped as a member after its dissolution, the membership of the German Democratic Republic was dropped and its functions absorbed by the Federal Republic of Germany after the two states were rejoined, and the Russian Federation took the seat of the Soviet Union as did the Czech Republic for Czechoslovakia).
- 10 The Anti-Personnel Mine Ban Convention (1997) and the Convention on Cluster Munitions (2009) were negotiated by like-minded states out of frustration with and to escape the deadlock of the CD as well as the laborious negotiating process of the Convention on Certain Conventional Weapons. The goal was to try to give a new impetus to international disarmament negotiations. It remains to be seen how effective these treaties will be in gaining the adherence of key states that did not participate in the negotiations.
- 11 The negotiations of the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions were open to all interested parties.
- 12 This means that a functional understanding of the term, "fundamental national security interest" will have to be agreed—admittedly a politically difficult task. Alternatively, CD-related issues and issue areas not requiring consensus could be defined and agreed. Another possibility is to adopt a consensus rule similar to that of the UN Disarmament Commission and Oslo and Ottawa processes, that is, that "every effort" should be made to take decisions by consensus, but that the option of taking decisions by voting remains possible in the absence of consensus.
- 13 The World Disarmament Council of the League of Nations was headquartered in Geneva. Most disarmament summit meetings between the United States and the Soviet Union took place in Geneva, and the Cold War's nuclear weapons talks between the two superpowers were also held in Geneva. Many other bilateral and international disarmament talks have taken place in Geneva, which has acquired a politically useful aura of hope for progress in disarmament and peace.

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- 14 Civil society brings a wealth of expertise to the disarmament field, doing so in a depth that almost all CD members lack. Furthermore some civil society groups can espouse political viewpoints that national governments might not have, and can therefore play an important political role in ameliorating disputes. Also to be kept in mind is that civil society representation should come from all areas of the world, not just the West, so that all regional viewpoints can be represented.
  - 15 Although the Special Session in 1978 reached consensus on a Final Document, succeeding Special Sessions in 1982 and 1988 ended in acrimony. No agreement has yet been reached on holding a Fourth Special Session despite continual efforts to do so via annual General Assembly resolutions.
  - 16 Several conferences have been held on this subject, most recently the 24 September 2010 UN special meeting on the CD as well as a conference sponsored by Norway in New York on 6 October 2010. UNIDIR has published papers on the subject, “Disarmament Machinery, A Fresh Approach” (2010), as well as “Discussing the Conference on Disarmament” (2010). The UNIDIR–Geneva Forum conferences held in Geneva in December 2010 and January 2011 also examined the subject.
  - 17 The Secretariat, especially the Office for Disarmament Affairs, has much useful expertise that could be better utilized by the CD in a “behind the scenes” way. The Secretariat’s role could be more clearly defined, and its capacity for neutral advice and brokering compromises used to a greater degree.

# UNIDIR RESOURCES

## About UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR)—an autonomous institute within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to the variety of existing and future armaments, as well as global diplomacy and local tensions and conflicts. Working with researchers, diplomats, government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and governments. UNIDIR's activities are funded by contributions from governments and donor foundations.