
Conference on Disarmament

10 June 2013

Original: English

Letter dated 24 May 2013 from the Permanent Representatives of Indonesia addressed to the Secretary-General of the Conference on Disarmament transmitting the report of the seminar entitled “Exploring avenues to address the stalemate in the Conference on Disarmament” held on 15 May 2013 at the Palais des Nations in Geneva

I have the honour to transmit you a lunchtime seminar report entitled “Exploring Avenues to Address the Stalemate in the Conference on Disarmament” co-organized by Indonesia and UNIDIR which took place at the Palais des Nations in Geneva on 15 May 2013.

The objectives of the Seminar are:

- To discuss ways and means to overcome the prolonged deadlock in the CD.
- To garner new ideas that could be generated from an open discussion in the informal setting.
- To contribute to the work of the CD and to the work of producing a Program of Work.

Representatives of 45 States attended the event as did representatives from United Nations Office for Disarmament Affairs, International Atomic Energy Agency and United Nations Institute for Disarmament Research.

I would appreciate if you could issue this letter together with the attached report as an official document of the Conference on Disarmament and distribute it to all member States of the Conference, as well as observer States participating in the Conference.

I intend to propose at the appropriate time that the submission of the report of the lunchtime seminar be duly reflected in the report of the Conference on Disarmament to the General Assembly of the United Nations.

(Signed): Triyono Wibowo
Ambassador
Permanent Representative

Report of lunchtime seminar on “Exploring avenues to address the stalemate in the Conference on Disarmament”

Geneva, 15 May 2013

I. Introduction

About this Seminar

1. Indonesia in collaboration with the United Nations Institute for Disarmament Research (UNIDIR) convened a lunchtime seminar on the 15th of May 2013, titled “Exploring Avenues to Address the Stalemate in the Conference on Disarmament”.
2. Representatives of around 45 States attended the event, as did representatives of the United Nations Office for Disarmament Affairs (UNODA), the International Atomic Energy Agency (IAEA), and the United Nations Institute for Disarmament Research (UNIDIR). Nearly 130 participants attended the event.
3. The seminar aimed to explore new ways to revive the Conference on Disarmament (CD) from its 16-year hibernation, as well as helping to establish critical mass and political will needed to push the Conference on Disarmament out of stagnancy. The seminar was structured along several sub-themes, namely “protracted impasse—new creative options?”, “manifestations of impatience—opportunity or threat?”, and “delay comes at the high price; serious warnings?”
4. Mr. Triyono Wibowo, Ambassador and Permanent Representative of the Republic of Indonesia to the United Nations, WTO, and other International Organizations in Geneva had the honor to open the seminar, followed by the delivery of the keynote remarks of Mr. Kassym-Jomart Tokayev, Director-General of UNOG, Secretary-General of the Conference on Disarmament and Personal Representative of the United Nations Secretary-General to the Conference, delivered by Mr. Jarmo Sareva, Deputy Secretary-General of the Conference on Disarmament and Director, Office for Disarmament Affairs, Geneva Branch.
5. Ms. Theresa Hitchens, Director of UNIDIR, served as moderator for the event.

About this Report

6. This report is an informal summary by the Mission of the Republic of Indonesia, and by no means seeks to a comprehensive review. The purpose of this report is to inform and support the work of the Conference and to stimulate further substantive exchanges on the topics discussed.

II. Presentations

7. In her introduction, Ms. Theresa Hitchens expressed UNIDIR’s delight to have Indonesia as its partner in convening this event. Ms. Hitchens explained that the troubling recent history of the Conference on Disarmament stands in contrast to the notable successes of its past. Opportunities, such as this conference, to draw lessons from the Conference’s history, as well as to analyse outside impacts on the Conference’s Work, are of more importance than ever due to the lengthy nature of the impasse in the Conference. It is highly appropriate therefore that the current President has taken this initiative.

8. In his opening remarks, Mr. Wibowo underlined that while Indonesia is aware of the complexity of the issue and there is no magic wand available to unlock the Conference on Disarmament, Indonesia remains strong in its conviction that the Conference's unique position as the world's single multilateral negotiating forum on disarmament needs to be upheld. Against this backdrop, Indonesia in collaboration with UNIDIR organized this informal gathering with the objectives:

- To discuss ways and means to overcome the prolonged deadlock in the CD.
- To generate new ideas through an open discussion in the informal setting.
- To contribute to the Work of the Conference on Disarmament and to the challenge of producing a programme of work.

9. Mr. Tokayev in his keynote remarks as delivered by Mr. Jarmo Sareva welcomed Indonesia's initiative and UNIDIR's positive contribution towards the effort to revive the Conference from its stalemate. Mr. Tokayev offered several views concerning ways to break the stalemate of the conference on Disarmament, in place since 1996. This long impasse in the Conference has led to questioning of the relevance and efficiency of traditional multilateral disarmament.

10. New approaches thus need to be considered, such as the like-minded model which had been proven to be successful in delivering the Ottawa Convention on land mines and the Oslo Convention on cluster munitions. In the context of the Conference on Disarmament however, a similar approach might not be adequate to address the contentious issues within the Conference, including that of an FMCT, where a like-minded approach will not be sufficient to ensure the prevention of both vertical and horizontal proliferation in a broader scope, as it will exclude those beyond the like-minded sphere. In light of that, the Conference on Disarmament should address its working methods, membership, and agenda, to facilitate its revival.

11. Commenting under the sub-theme of "protracted impasse—new creative options?", Mr. Tim Caughley, Senior Fellow at UNIDIR, highlighted the standoff over nuclear disarmament and fissile material. He noted that the General Assembly of the United Nations had recently agreed to new subsidiary organs on these two core issues of the Conference. The setting up by the Assembly of an Open-Ended Working Group on nuclear disarmament and the Group of Governmental Experts on fissile material should not be understood as a mere coincidence. This was clearly a wake-up call for the Conference on Disarmament.

12. Creative options for confronting and overcoming the Conference's difficulties could be sought in several areas. At the procedural level, the Conference should consider simplifying its programme of work, first by moving to a basic timetable of activities and then by focusing on setting mandates for working groups individually rather than collectively. More importantly, the Conference needed to develop a new work culture. There is a puzzling lack of initiatives by members to supplement the dutiful efforts of successive presidents to find a way through the longstanding impasse.

13. The absence of any initiative of a cross-regional kind amongst members to overcome the deadlock is revealing in itself. In the post-Cold War era, has the Conference on Disarmament lost its sense of purpose? If the Conference is to have the capacity to be at all responsive to the post-Cold War security environment it needs to confront its deadlock on matters of substance head-on, moving from a passive to an active culture with a focus on how to start things, not how to stop them. A near-term indicator of seriousness of purpose would be the inclusion of a draft plan of work for 2014 in its report to the General Assembly this year.

14. Mr. Ulises Canchola Gutiérrez, Ambassador and Deputy Permanent Representative of Mexico to the United Nations and other International Organizations in Geneva explained the current stalemate of the Conference on Disarmament based on the lack of a conceptual change in the realm of disarmament. In this regard, he noted that the three pillars on which the NPT is founded have not evolved at the same pace. While during the last decade the areas of non-proliferation and peaceful uses of nuclear energy have registered a conceptual change recognizing the new realities, this has not been the case on disarmament.

15. He made a brief historical summary of the developments registered in the Conference on Disarmament, as well as in the NPT Review Conference and in the General Assembly of the United Nations. Based on that recollection he concluded that the international community has been patient looking for a breakthrough on disarmament. In this sense, Mr. Canchola stressed that it would seem that we have come to the point of granting more importance to the vehicle (i.e., the Conference on Disarmament) than to its purpose and mainly where the international community would like to go (a world free of nuclear weapons).

16. Ambassador Canchola also referred to the initiatives adopted during the last General Assembly emphasizing that they could bring some fresh air to the discussions. Indeed, we could finally address the substantial issue of disarmament. He concluded by saying that the main threat is for the Conference on Disarmament to become a self-fulfilling body. In that sense, the main threat to the Conference on Disarmament would be the Conference itself.

17. Ms. Päivi Kairamo, Ambassador and Permanent Representative of Finland to the United Nations and other International Organizations in Geneva expressed her view that Finland continues to see the stalemate in the Conference on Disarmament to be temporary in nature. However, Finland also emphasized that how long this temporary state of suspension may last is to some extent dependent on how the mechanism of consensus in the Conference is to be applied in future. This in turn is linked to whether the issue of national security for individual countries continues to prevent the Conference from moving forward, at the cost of global security.

18. Furthermore, Finland stressed the fact that the world outside is continuously changing. New generations of stakeholders, be they politicians, diplomats, civil society representatives, keep coming with different narratives of what has been taking place. These new generations are among those who are behind the evolution of initiatives outside the Conference on Disarmament, which in aggregate will exert pressure on the Conference, as an institution that came into being in the previous era. For its existence to remain relevant, the Conference should see those external pressures as positive pressure to initiate internal work based on substantive political dialogues.

19. Mr. Wu Haitao, Ambassador of the People's Republic of China to the Conference on Disarmament, expressed his view that the stalemate in the Conference is attributable first and foremost to political and security factors. Facing different security environments, countries might pursue different disarmament and security agenda and policies. Such differences naturally lead to divergent views on the priority of Conference's agenda, which has direct impact on reaching agreement on a programme of work of the Conference on Disarmament and the start of its substantive work.

20. Therefore, efforts should be made in the following aspects, both inside and outside the Conference on Disarmament. Firstly, the authority of the Conference must be respected and maintained, since the Conference is in possession of vast experience in the field of disarmament and cannot be matched by any other body in this field. Establishing new mechanisms outside the Conference to address its core agenda items is not the right prescription to solve the problem, as it will not guarantee the authority and universality of any future treaties.

21. Secondly, actively explore within the Conference on Disarmament discussions feasible ways to move forward through open, transparent and equal consultations and seek win-win solutions that are balanced and accepted to all.

22. Thirdly, foster a favourable security environment by accommodating the legitimate security concerns of each other to enhance mutual trust, gradually restore the confidence and political will of states to promote common security through multilaterally negotiated arms control treaties, and create a favourable atmosphere for such dialogues and negotiations.

III. Discussion

23. During the discussion, various representatives of Conference on Disarmament member States expressed their thoughts on how to revive the Conference from its current stalemate. The distinguished representative of Egypt expressed his view which approached the stalemate in the Conference from a larger perspective, where stagnancies have become an increasingly common feature in many, if not all, multilateral processes.

24. The Ambassador of Germany drew attention to the fact that by adopting the programme of work as contained in CD/1864 all member States of the Conference on Disarmament had agreed already in 2009 to negotiate a convention banning the production of fissile material for nuclear weapons purposes and to discuss nuclear disarmament, which had settled the up to then controversial question of the priorities of the Conference's work in a practical way. He furthermore underlined Mr. Tim Caughley's observation that member States have taken practically no initiatives among themselves to overcome the stalemate in the Conference on Disarmament but have left this task to a four week presidency as revealing, adding that this reinforced the impression that Conference member States behave like long-unemployed persons who no longer actively seek work.

25. In this connection, he questioned whether the member States had made relevant efforts to persuade the single member State which had difficulties agreeing to the implementation of CD/1864 (and thus thwarting work to commence on its basis ever since) to join consensus. Drawing conclusions from his experience that a number of member States (albeit very discreetly) insisted on a programme of work which would fully suit their expectations (which was major cause for the persistent impasse), he recommended a minimalistic approach which would deliberately restrict itself to defining the topic of the work to be undertaken in a brief and succinct manner and the nature of this work in terms of either "work on a treaty" or "exchanges of views".

26. The Ambassador of Switzerland to the Conference on Disarmament indicated that the General Assembly of the United Nations recently took some actions with the stalemate at the Conference on Disarmament in mind. He also asked the question of what additional measures the General Assembly of the United Nations could take, should the Conference be unable to overcome the current impasse.

27. In response to the views expressed by Germany, the distinguished representative of Pakistan offered his commentary that Pakistan refuses any notion that suggests the dynamics inside the Conference on Disarmament shape the world's security environment. Instead, it is the world's security environment which shapes the dynamics inside the Conference on Disarmament, as well as become the factor behind its stalemate. Furthermore, Pakistan also highlighted that the anatomy of stalemate actually does not consist of single impasse on the issue on FMCT alone. On the contrary, there actually is a bigger impasse on the issue on nuclear disarmament.

28. The distinguished representative of Iran requested clarification on Mexico's view that considers the Conference on Disarmament as the source of its own problem.

29. The Ambassador of Austria noted that he had personally experienced negotiations in the Conference on Disarmament, which proved the potential value of the Conference, and he recognized the Conference's tremendous achievements in the past, including in the processes leading to the Chemical Weapons Convention and the Comprehensive Test Ban Treaty. Austria believes that the procedures and working methods of the Conference on Disarmament should be revised and adapted to the different shape and dynamics of international relations in the twenty-first century. Ultimately however, progress in the Conference will depend on political will. Furthermore, Austria supported Indonesia to continue its efforts to produce a programme of work, not for the sake of having one, but for speedily moving to its implementation and starting negotiations in accordance with the Conference's mandate.

30. The Ambassador of Canada underlined that a majority of countries basically share the same commitment to achieve nuclear disarmament, even if they have differing views on how best to achieve it. As such, it may not be constructive to divide countries based on the criteria of membership in any particular alliance, since country groupings are known to be based and shaped around a wide variety of issues and the perspectives of States within those alliances can differ. She noted that flexibility had been demonstrated by a majority of countries in recent years in seeking to secure a balanced Conference on Disarmament work plan in order to initiate concrete work. In response to an earlier point, she also noted that some 166 States had indicated at the General Assembly of the United Nations their support for FMCT.

IV. RESPONSE/CONCLUDING REMARKS

31. In his response/concluding remarks, Mr. Wu Haitao, Ambassador of China recognized that most countries remain supportive of the Conference on Disarmament. In the meantime, he emphasized that the international security environment has indeed evolved, and thus an adaptive approach is certainly needed.

32. Mr. Päivi Kairamo, Ambassador of Finland, while recognizing the current difficulties that loom over various multilateral negotiations, also highlighted several exceptions to the cloudy disarmament picture, among others the overwhelming support for the Arms Trade Treaty (ATT) in the General Assembly of the United Nations earlier this year. It confirms and warrants Finland's optimism toward the revival of the Conference on Disarmament.

33. Mr. Canchola, Ambassador of Mexico clarified that Mexico does not view the Conference on Disarmament to be the source of its problem. Mexico however, does view that for the Conference on Disarmament to revive itself out of its stalemate, it needs to review its rules of procedure, mechanisms, and working methods. In response to the query on what would possibly happen if the Conference cease to continue its work, Mr. Canchola Gutierrez explained that in accordance to the Article 11 of the Charter of the United Nations, the General Assembly shall take over based on its authority to consider "the principles governing disarmament and the regulation of armaments".

34. Mr. Tim Caughley of UNIDIR urged concrete action on nuclear disarmament and fissile material.

35. Mr. Jarmo Sareva of UNODA emphasized that any uncompromising approach toward the stalemate in the Conference on Disarmament would only further disconnect the Conference from the rest of the world. While continuously probing our way out of the stalemate, Conference on Disarmament members should use their time productively.

36. With regard to the power vested in the General Assembly of the United Nations on matters pertaining to the issue of disarmament, Mr. Sareva explained that the General

Assembly possesses the powers of legislation and of the budget, or power of the purse. Such are the powers available at the hands of the General Assembly in governing disarmament and the regulation of armaments should the need for it arises.

37. In general, Mr. Sareva suggested the need for the Conference on Disarmament to review its steps, and whenever necessary, to make necessary adjustments or even amendments to revive itself from its stalemate.
