

CONFERENCE ON DISARMAMENT

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Report of the Chairman of the Open-ended consultations
on the Improved and Effective Functioning of the
Conference on Disarmament

1. At the Conference's 552nd Plenary Meeting of 17 April 1990, it was decided that informal open-ended consultations would be initiated during the summer session on the Improved and Effective Functioning of the Conference on Disarmament. These consultations, chaired by Ambassador Ahmad Kamal of Pakistan, were conducted in a series of nine meetings, on the basis of a structure inspired by the order followed in the Rules of Procedure. Discussions took place in a thorough debate which identified many points of concern to member delegations. The following paragraphs summarize the major trends of the debate, and the points on which consensus emerged.

2. Expansion of Membership of the Conference: Discussions centred on the manner in which the expansion of the Conference by four members under the 1+1+2 formula could be implemented, as well as on whether any alternative formulas needed to be considered in the light of a changing global environment. Some delegations felt that implementation of the 1+1+2 formula should take place by an expansion "en bloc", while others felt that the existing impasse should not prevent a partial implementation of the formula, at least where potential candidates already had the unanimous support of their respective groups. Several interventions also referred to the likelihood of possible changes as a result of evolving events.

3. No consensus emerged, but there was general agreement that the matter would have to be reconsidered at the 1991 session in the light of possible changes in the political environment.

4. Sessions: Discussions centred on a proposal to divide the annual session of 24 weeks, into three parts of 10 weeks, 7 weeks, and 7 weeks duration respectively, as opposed to the current practice of two parts of 12 weeks each.

5. The proposal received consensus, and it was agreed that rule 7 of the Rules of Procedure would be re-drafted as follows in reflection of this consensus:

"The Conference shall have an annual session divided into three parts of 10 weeks, 7 weeks, and 7 weeks respectively. The first part shall begin the penultimate week of the month of January. The Conference shall decide the actual dates of the three parts of its annual session at the close of the previous year's session."

6. For the 1991 annual session, the opening plenaries of the three parts would be held on 22 January, 14 May and 23 July respectively.
7. In light of this change of schedule of the Conference, delegations of CD members will, together with the Secretariat, consult with other United Nations members in order to adjust the UNDC's schedule.
8. Presidency: The need for consequential changes in the manner in which the Presidency of the Conference would need to be rotated was discussed.
9. Consensus emerged that each Member State would in future assume the Presidency for four working weeks. Each annual session of 24 working weeks would thus be rotated among six Presidents on the basis of the alphabetic rotation of the existing cycle.
10. It was agreed that rule 9 would be re-drafted as follows in reflection of this consensus:

"When the Conference is in session, the Presidency of the Conference shall rotate among all its members; each President shall preside for a four working week period. The rotation which began in January 1979, based on the English alphabetic list of membership, shall be followed."
11. Conduct of Work and Adoption of Decisions: Discussions centred on the rule of consensus. Some delegations felt that the application of the rule of consensus had led to blockages in the past, and that its replacement by a qualified majority should be considered, particularly in procedural matters where no legitimate security interests of any individual Member State were involved. Other delegations, felt that the problem lay not so much in the rule of consensus itself, as in a rigid application and interpretation by members, which could lead to its becoming a virtual veto. Still others felt that in a negotiating body like the Conference, the rule of consensus was essential.
12. No consensus emerged in favour of any change in the existing rule, though it was generally felt that some flexibility in its application by Member States was possible, particularly where vital national interests were not involved.
13. Organization of Work: Among the ideas which were discussed were:
(a) the possibility of reducing the overall number of plenary meetings, as well as the length of interventions, with the objective of a better utilization of time and available facilities; (b) the possibility of imposing limits at the beginning of the annual session on the time that could be spent on the establishment of subsidiary bodies and their mandates; and (c) a specific proposal for a Consultative Council of the Conference to be composed of well-known individuals and experts.
14. On the question of the overall number of plenary meetings, consensus emerged on having two plenary meetings a week, as at present, for the first two weeks (Weeks 1 and 2) and the last week (Week 10) of the first part of the annual session, the last week (Week 17) of the second part of the annual session, and two middle weeks (Weeks 21 and 22) of the third part of the

annual session. For the remaining 18 weeks of the annual session, only one plenary would be scheduled every week, preferably on Thursdays. Flexible provisions would however be made to allow for a second plenary in any one of these 18 weeks.

15. There was consensus also on the need to encourage speakers to limit their interventions to 15 minutes each.

16. On the question of time-limits for the establishment of subsidiary bodies and their mandates, consensus emerged; firstly, on the principle that the establishment of subsidiary bodies and their mandates was a deliberate act on which a decision had to be expressly taken (and not tacitly assumed) by the Conference; secondly, that the outgoing President for the last four weeks of the previous annual session and the incoming President for the first four weeks of the next annual session would jointly conduct consultations during the inter-sessional months in order to try and see whether a consensus could emerge on the establishment of subsidiary bodies and their mandates; thirdly, that the debate itself on the establishment of subsidiary bodies and their mandates would be limited to the first two weeks of the annual session only; fourthly, that in case of an absence of consensus on the establishment of any particular subsidiary body or its mandate, the incumbent President would in the subsequent two weeks try to identify a Special Co-ordinator to whom the responsibility could be handed over.

17. The specific proposal to establish a Consultative Council for the Conference was not pursued further.

18. Agenda and Programme of Work: On the subject of the agenda, detailed discussions took place; (a) on the need for evolution and change in the traditional agenda of the Conference; (b) on specific proposals on the addition, deletion, and merger of different items on the existing agenda. Some delegations felt that the agenda should evolve in reflection of changes in the world, and specific proposals were mentioned on the possibility of adding some new items like maritime security and disarmament, conventional armaments, and regional disarmament, and the possible merger of existing items 2 and 3 relating to nuclear disarmament and the prevention of nuclear war respectively. Other delegations felt that the agenda represented the result of a consensus which had emerged in SSOD-1 in 1978, and that what was necessary was not so much a change in the agenda, as a great political will to negotiate on the different items which already figured on it. Still others felt that the specific proposals which had been made could somehow be fitted either under the existing agenda items, or for the present in informal exploratory discussions relating to the Programme of Work.

19. No consensus emerged on any change in the existing agenda of the Conference.

20. During the consideration of the linked question of the Programme of Work, some delegations referred to the possibility of continuing discussions on new proposals and possible changes in the agenda, and of a re-assessment of an emerging consensus, if any, at a later stage.

21. Some delegations suggested that the Conference, despite its primary role as a negotiating body, should also consider the elaboration of positions, short of legal documents and treaties, but no consensus was seen to emerge on this suggestion either.

22. It was agreed that the Secretariat would simplify the Programme of Work so as to indicate greater flexibility in the range of subjects to which references would primarily be made in plenaries, along the following lines:

Weeks 1-2 = Adoption of the agenda, establishment of subsidiary bodies and their mandates, decision on participation of non-member States, and statements on all items.

Weeks 3-4 = Statements on all items, and informal presidential consultations on outstanding matters.

Weeks 5-21 = Statements on all items, and supervision of work in subsidiary bodies.

Weeks 22-24 = Final statements, and consideration and adoption of report.

The Secretariat would also indicate in the Programme of Work, who would be the Presidents of the Conference, and for which weeks.

23. Rule 28 of the rules of procedure would be amended as follows in reflection of this consensus:

"On the basis of its agenda, the Conference, at the beginning of its annual session, shall establish its programme of work, which will include a schedule of its activities for that session, taking also into account the recommendations, proposals and decisions referred to in rule 27."

24. Participation of Non-member States: The discussions focused on the general concern that any disagreement on the participation in the work of the Conference by a specific non-member State, could impact adversely on the basic objective of enabling all those States who were not members of the Conference, to contribute their due share to its work and debates. There was widespread concern also about the possibility of blockages following a procedural disagreement about the application for participation of any specific non-member State.

25. All interventions welcomed as positive and constructive the procedure followed during the current session, according to which the applications of non-member States were all considered together, and not one by one.

26. Consensus existed in the hope that this practice would continue to be followed in future sessions with the same results.

27. It was agreed that the Secretariat would inform non-member States before the beginning of the annual session of the Conference's opening date, in order to enable interested States to formulate their requests in time for participation in the work of the Conference and its subsidiary bodies, preferably from the beginning of the annual session.

28. The possibility of amending the subheading IX of the rules of procedure to make it read, "Attendance and Participation by States non-members of the Conference", as also the question of amending rule 32 to make it read, "Representatives of non-member States have the right to attend plenary meetings and if the Conference so decides, other meetings" was discussed, but

it was generally felt that these specific amendments should be reconsidered subsequently at future consultations on Improved and Effective Functioning.

29. The consultations were seen by all members as positive and constructive, and as evidence of the desire of the Conference to improve its effective functioning, and to keep it under constant review. Future consultations would accordingly have to be programmed some time during the 1991 session. Meanwhile, it was agreed that this report would be circulated as a Conference Working Paper, and action would be taken on those points on which consensus had already been achieved.
