



The Statement by

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Improved and Effective Functioning of the
Conference on Disarmament

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Mr. President,

It is indeed a pleasure to take the floor under your stewardship of the Conference on Disarmament. May I take this opportunity to congratulate you and your country on your assumption of this important responsibility. I assure you the full cooperation of my delegation in all your endeavors at this difficult juncture for the CD. I also wish to express my full appreciation for your predecessor Ambassador Volker Heinsberg for his professional efforts as the President of the Conference on Disarmament.

At its 896th meeting of the CD, I was appointed as the Special Coordinator on the Improved and Effective Functioning of the Conference on Disarmament to follow-up on work already undertaken on this subject during the previous year. I thank my group, the Group of 21, as well as, all other members of this Conference for confidence placed once again, by re-appointing me for this onerous task and for the continued cooperation I received during my tenure.

Mr. President,

In my efforts to fulfill my mandate, I employed several methods of consultations that would enable me to reach out to all delegations without exception. Having indicated in writing to all delegations a number of possible areas for discussion, I conducted several rounds of open-ended informal consultations. In addition, there were several bilateral discussions with interested delegations. In this regard, I wish to express my appreciation for the interest shown by many members of this Conference on this issue by attending open-ended consultations and contributing substantively and meaningfully. In addition to oral presentations, some delegations also communicated their views in writing both formally and informally.

Mr. President,

I believe, as I stated in my statement at the conclusion of last year's CD session, the decision to appoint a Special Coordinator on the Improved and Effective Functioning of the CD is primarily a manifestation of a desire of the members of the CD to explore measures for further improvement of the methods of functioning of the Conference.

Nevertheless, it was made clear by many that our work on procedure should not be construed as a substitute for work on substance nor divert our attention from continuation of efforts to find common ground to agree on most important substantive issues. The general view was that the inability of this Conference to conduct substantive work is not a procedural impasse, but a substantive political issue. Nevertheless, many believed that there is room to be innovative with a view to streamlining some procedural aspects of our work so that at least such reform can be useful and will hopefully engender full-fledged substantive negotiations of this Conference, sooner than later. It was also felt that it would be a useful exercise to prepare and evolve a better procedural framework for our work pending agreement to conduct substantive negotiations.

Mr. President,

As we proceeded with consultations, there was an air of expectation that this time around there may be a possibility for agreeing on at least few procedural mechanisms that would enhance effective functioning, if not the image of the Conference. However, as consultations became more focused, devil crept into detail, and it became evident that, this year too, reaching consensus on any concrete measures for reform of procedures of the CD will elude us. This conclusion, perhaps gives credence to the view that the procedural status quo of the CD does not require reform as yet, and that it is not a reason as to why the CD has tied itself in innumerable knots into a deadlock.

During consultations, many issues were highlighted by delegations. They are; application of the rule of consensus; adoption of the agenda and the programme of work; expansion of the CD; current system of groupings; optimal use of the mechanisms provided for in the rules of procedure, in particular on CD/1036; establishment of a new category of subsidiary bodies for substantive discussions on agenda items; continuation of the pre-existing subsidiary bodies; wider and frequent use of the informal open-ended consultations; structured and substantive discussions at the plenary on each agenda item; automatic establishment of ad-hoc committees on all agenda items; appointment of "friends of President"; NGO participation; the tenure of the Presidency; whether to include in the annual report a summary of main issues discussed at plenary meetings; the study of the improved and effective functioning by a small group; the role of the secretariat; establishment of a Bureau for the Conference; and re-examination of the rules of procedure.

Mr. President,

Out of these issues of interest to delegations, in my opinion, several enjoyed general agreement for reform, but not consensus.

Mr. President,

For preponderant majority of delegations, it was an anomalous situation that this Conference still remained practically closed for NGOs at a time when the civil society groups are recognized as major participants and contributors in almost all other areas of human collective effort, in particular, in other UN fora. In this context, there was substantial support for several alternative methods that could enhance participation of NGOs. Some favored convening a special meeting or meetings of the CD plenary for NGOs to attend and express their views and make contributions to CD's work. Such a modality, it was argued, is in line with the practice followed at many inter-governmental conferences such as NPT review conferences. It was also argued that States could benefit from contributions by the NGOs who are now considered as well-informed stakeholders in many disarmament endeavors. Therefore the exclusion of NGOs from the activities of the CD, according to many, is not only anachronistic but also denies the Conference of the perspective of the civil society and their valuable expertise.

It was generally recognized that greater involvement of NGOs in the CD may not readily contribute to overcome the current substantive deadlock and in fact should not be the reason for their enhanced participation. There was also a common understanding that

in view of the nature of the CD as the sole multilateral inter-governmental negotiating forum on disarmament, the presence of NGOs would not be appropriate in ad-hoc subsidiary bodies and at closed sessions.

However, there was a fundamentally different view that the participation in any and all activities of the Conference must remain limited to representatives of Governments. This view made it impossible to reach consensus on any measure that will enhance participation of NGOs more than what is prescribed in present rules of procedure of the CD.

Nevertheless, in the light of an apparent overwhelming desire of many delegations in the CD to provide an enhanced role for NGOs, it is my belief that the Secretariat as well as individual delegations will take all possible measures within current regulations of the CD to offer maximum level of facilities to the interested NGOs to make their presence felt at the CD.

Mr. President,

Many delegations made valuable contributions on the need for optimal use of mechanisms already available under the agreed procedures of the CD. In this regard, there were specific proposals that received greater attention. The content of CD/1036, which was adopted in August 1990 and in particular its paragraph 5 (d) was considered with a view to making this paragraph, less ambiguous. Although some others did not see any ambiguity in the paragraph, they were prepared to consider a proposal to reformulate it. In this regard, a general view emerged that in case of an absence of consensus on the establishment of any particular subsidiary body or its mandate, the incumbent President may appoint a special coordinator on that subject to assist in carrying out informal consultations with a view to reaching consensus. Moreover, if no agreement can be reached to establish a subsidiary body on a particular subject, the incumbent President may convene informal open-ended discussions on that subject pending agreement on a mandate to establish a subsidiary body. However, consensus on this view could not be achieved since some strongly believe that these ideas are not workable.

Nevertheless, there was widespread support for wider and more frequent use of informal and open-ended consultations on specific issues in general. It is my hope that your Presidency and the future Presidents would take this general agreement of the membership of the CD into consideration in conducting the work of the Conference. Indeed, I reckon that your predecessor Ambassador Volker has already started the ball rolling in this regard. According to many delegations, these consultations - both formal and informal - should be encouraged to examine and debate issues contained in the agenda or the programme of work. Such action was viewed as conveying a message to the public that the CD, though not yet able to adopt a programme of work, is active and maximizing the use of its resources. Informal and open-ended consultations were also viewed by some delegations as a flexible method that could provide an opportunity to deal with issues in a substantive manner, pending agreement on establishment of subsidiary bodies to commence negotiations.

Mr. President,

There was also a specific view that the CD Rules of Procedure provides sufficient flexibility to establish ad-hoc committees on relevant agenda items with a simple mandate rather than looking for new structures such as informal plenaries. It was argued that such ad-hoc committees could then determine how to structure their work.

Mr. President,

While there was no strong objection to the idea of appointing "friends of President", some were of the view that possible nomination of special coordinators by pro-actively using paragraph 5(d) of CD/1036 could address this requirement. However, the need to ensure geographical balance in appointing such "friends" was also emphasized.

Mr. President,

There are several other key issues, which may require further substantial mutual accommodation for the CD to reach even a general level of agreement.

First and foremost, there were, once again, several passionate and well-reasoned interventions critical of the current rule of consensus, which is unanimity. It was asserted that excessive and extensive use of the rule of consensus on every issue represents an element of unnecessary rigidity and does not facilitate the work of the CD. In this view, while consensus is required for substantive issues, decisions concerning procedural matters could be approved on the basis of majority rule principle or a less stringent form of consensus. However, some were of the view that circumventing the current consensus rule could not be a solution to deeper causes of differences on substance. At the same time, some referred to the linkage between substance and procedure. In their view these linkages blur the lines between procedure and substance, and could make a mockery of any efforts to dilute the rule of consensus for procedural matters. It seemed that one's issue of procedure is often an issue of substance for another. It is therefore clear that the CD is not yet ready to accept any change or a derogation of the rule of consensus as applicable now.

Mr. President,

On the issue of the adoption of the Agenda and the Programme of Work, some were of the view that both should be adopted at the beginning of each year on a rolling basis with year-to-year automatic renewal. There was another view that, if a programme of work is not adopted, work of the CD should continue on the basis of the last adopted programme of work. However both these ideas were not generally acceptable.

Mr. President,

The efficacy of the present system of grouping also came under scrutiny. Some expressed the view that a greater degree of flexibility with regard to the system of grouping could positively contribute to the improved and effective functioning of the CD. Some others even went further to suggest that the current group system in the CD is in

need of an overhaul. But such whole scale overhaul, they agree, requires wider reform over and above the CD encompassing the UN family. It was also queried whether CD should adopt a geographical grouping system similar to some other UN bodies. Moreover, some preferred the CD to set up an established format that the President conducts consultations with delegations on a one to one basis, coupled with plurilateral consultations, including with like-minded groups. In general many were of the view that the current strict channeling of information through group coordinators to the President and vice-versa leads to unnecessary suffocation of proposals thereby denying the flexibility required to further explore alternate possibilities, expeditiously.

Mr. President,

For many, the establishment of new categories of Subsidiary Bodies did not seem appropriate neither to overcome the current impasse in the CD nor to enhance effective functioning of the CD.

Mr. President,

On the issue as to whether there could be continuation of the work of pre-existing subsidiary bodies, many believed that if the consideration of a subject for which a mandate has been approved has not reached a conclusion at the end of a session, that mandate could be automatically renewed on a rolling basis for the following year, unless explicit consensus for such a measure is lacking. Some others were supportive of automatic establishment of ad hoc committees on all agenda items even prior to the adoption of a programme of work. But none of these proposals command even general agreement.

Mr. President,

The present four-week term for each Presidency, in view of some, is short and limiting. For them, ideally, one President should preside over each part of the CD, making CD having only three Presidents for a year. As a second best, each Presidency should at least be allowed a two-month term. Some expected the CD to explore the possibility of establishing a "Troika" of current, past and future Presidencies to facilitate conduct of all work. The idea to establish a Bureau of the Conference did not find much support either. Nevertheless, there was a view that the establishment of a Bureau could be considered if there is agreement to establish geographical groups to replace the present group system.

Finally, Mr. President there was interest to completely re-examine the rules of procedure of the CD with a view to simplifying those rules that appear cumbersome.

Mr. President,

There is one exception to this not so encouraging outcome of my work. All seem to agree on the need to establish a dedicated Web Site for the Conference on Disarmament in such a manner that it will be a useful tool for members of the Conference as well as to the general public and Non-Governmental Organizations. However, it is only a constructive proposal for the consideration of the UN Secretariat and, in my view,

by no means will contribute towards reform of our work methods. In this regard, I would recommend that the Conference takes action by reflecting this proposal in the CD report, as appropriate, requesting the Secretary-General of the UN to take measures to set up a Web Site for the Conference on Disarmament, initially in the English language. This Web Site could contain, in the first instance, all public documents of the CD, and shall be accessible to the all member States of the UN, NGOs and the public and should be regularly updated. The Secretariat of the UN in due course may consider including working documents of the Conference also in this Web Site for restricted access.

Mr. President,

As I reflect on my work, tenure of which spanned almost four sessions of the CD commencing with the last session in 2001, I observe that despite the enthusiasm of some delegations to reform the procedures of the CD including in very sensitive areas such as the method of decision making and establishment of subsidiary bodies, there is sufficient reluctance on the part of some others who would wish to continue with the status quo, which in their view befits a negotiating forum of this nature and stature. In the short term, in my reckoning, substantial or even limited reform of procedures of the CD may not be a possibility. Reform of procedures of the CD is not seen as a panacea for the substantive ills of the CD. It seems that procedural innovations are neither feasible nor welcome as means to effectively address security issues connected with strategic balance and larger security interests of States or groups of States. In my view, therefore, we may await a while before, once again, attempting at reform of procedures of the CD.

Mr. President,

In conclusion, let me take this opportunity to express my profound appreciation for all the Presidents of the CD with whom I have had the pleasure to work on my mandate this year. In this regard, I recall with gratitude the support provided by Ambassador Fisseha Yimer of Ethiopia, Ambassador Markku Reimaa of Finland, Ambassador Hubert de La Fortelle of France, and Ambassador Volker Heinsberg of Germany. The encouragement offered by Mr. Sergei Ordzhonikidze, Secretary General of the CD, Mr. Enrique Roman-Morey, Deputy Secretary-General and the assistance of Mr. Jerzey Zelesky, Political Affairs Officer of the DDA as well as the understanding of the interpreters during my tenure as Special Co-ordinator were most valuable and I appreciate their support.

Thank you.
