

Conference on Disarmament

6 June 2023

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Note Verbale dated 15 May from the Delegation of the United States of America to the Conference on Disarmament transmitting the “food-for-thought paper on Seeking a More Effective and Efficient Conference on Disarmament”

The Delegation of the United States of America to the Conference on Disarmament presents its compliments to the Secretary-General of the Conference on Disarmament in Geneva and has the honor to share our food-for-thought paper on Seeking a More Effective and Efficient Conference on Disarmament. The paper presents ideas that could be advanced in upcoming discussions on revitalizing the Conference on Disarmament. The U.S. delegation kindly requests that these documents be circulated to the Member States and recorded as an official document of the 2023 Conference on Disarmament.

The Delegation of the United States of America to the Conference of Disarmament avails itself of this opportunity to renew to the Secretary-General of the Conference on Disarmament the assurances of its highest consideration.



Annex

Seeking a More Effective and Efficient Conference on Disarmament, Food for Thought Paper by the U.S. Delegation to the Conference on Disarmament, May 15, 2023

Introduction

Much can be done to improve the working methods of the Conference on Disarmament (CD) without changing the formal rules of procedure (RoP). In the current environment, such an approach focused on actual *practices* may represent the most realistic path to revitalize the CD's work methods and, by this means, the CD itself.

The CD can take steps to enhance *continuity*. The CD needs to be able to carry over its work from year to year, avoiding unnecessary procedural hurdles, and incrementally capturing progress made in each session. Finally, the CD can take steps toward more *interactive* discussions of its disarmament agenda. There follow some concrete suggestions.

Streamline the Program of Work and Observer States

The CD's practices for adopting a Programme of Work (PoW) are more than ripe for change, as the current process is cumbersome and needlessly repetitive, in that it requires the body to repeat the same task year to year, starting from zero. Rather than debating and crafting a PoW for each new session, the CD could adopt a comprehensive and balanced PoW, based on the CD's extant agenda, that carries over from year to year unless the CD decides otherwise, thereby freeing up time and resources for delegations to address substantive agenda items.

Another way to streamline the PoW would be to allow the coordinators of the Subsidiary Bodies (SB) more agency in structuring discussions in the manner they think would be the most productive, rather than prescribing their working methods within the PoW. Similar to how Open-Ended Working Groups are managed, the coordinators should be able to propose tentative agendas and timetables, while considering the views of delegations in the process. (Note: This paper uses the term "Subsidiary Body" to refer to the format for substantive discussions of specific agenda items, but does not preclude the use of another term, such as "Ad Hoc Committee.").

As with the PoW procedures, the CD also duplicates time and effort by relitigating prospective observer states' requests to participate in each session. The CD should instead agree to carry over any previously approved observer from year to year. The CD could begin by building on the 2022 PRC presidency decision on observer states.

Allow Flexible Subsidiary Body Work

Another avenue to increase the CD's effectiveness, and move beyond the current all-or-nothing approach, would be to continue SB discussions in an informal format, as suggested by the RoPs. The goal would be a more interactive format for discussing agenda items in substance and avoiding formal national statements (which would be left for the plenary).

In a similar vein, it would also be important to treat SB reporting to the plenary as non-binding. SB coordinators would have the freedom to determine themselves how best to report the results of the body's work to the plenary. Reports would be considered as mere snapshots, seen through the eyes of the coordinator, of progress to date. To preserve and protect the informal, non-binding status of any conclusions reached, whether the coordinators brief the plenary orally, or submit papers under their own authority, those reports would be

considered as reflecting only the views of the coordinator, pending further action by the plenary.

Such an approach would reduce the time spent trying to reach agreement on a consensus document, while ensuring there would be some record of the discussions held. The report of the SBs' work would serve as the starting point to take discussions into the following year, allowing the discussion and deliberation process to proceed at its own speed and in its own direction until there is a way forward that can be agreed by consensus. This would reinforce the SBs as informal bodies structured to build trust and common understandings until such time as a consensus begins to emerge, leaving it to the plenary to decide on additional action.

Another option for SB reports could be to supplement the informal conclusions of the coordinator with an additional, formally agreed section of "agreed conclusions" comprising those ideas that all states are comfortable in supporting. Initially, it could be as simple as agreeing that a particular issue is important. The aim would be to avoid the past practice of long negotiations which, in the end, only report "some delegations'" or "one delegation's" position on an issue. Such an approach could help reframe the discussion and incentivize delegations to seek even small areas of agreement. The focus would be on areas of agreement rather than disagreement, thereby promoting consensus.

Foster More Interactive Dialogue

CD plenaries often only consist of member states delivering national positions, without any substantive exchange and discussion of the issues. If delegations are ever to progress towards negotiations, they need first to talk through their disagreements to identify areas of convergence. The CD has currently locked itself into a process that is duplicative of the UN First Committee model of national statements and rights of replies, rather than focusing on dialogue and deliberation. The same holds largely true for the UN Disarmament Commission (UNDC), which has become more a negotiation of existing national positions on issues rather than a substantive exploration focused on making useful recommendations to the CD.

In continuing the practice of holding SB meetings in an "informal" status, we could expand use of informal discussion periods during formal plenaries so that delegates would be able to explore issues in more depth. For example, the plenary could transition to informal discussions following formal plenary panel presentations, which would provide an opportunity for delegations to ask questions and learn from the experts, as well as engage with each other, before they subsequently, in formal session, express their national views. Experts could also be invited to offer further thoughts on any "agreed conclusions" flowing from the SB process.

Furthermore, the CD could contribute to its own substantive debates through a more deliberate strategy of seeking synergies with other disarmament bodies. For example, the CD (through the UNGA) could ask the UNDC to explore a narrowly defined topic or even a specific kind of measure that we would like to consider. This would allow each body to play a complementary – rather than duplicative – role in these discussions and therefore accelerate our eventual progress on key disarmament issues. Such an approach would have the added benefit of addressing the functioning of the "disarmament machinery" through practical steps to achieve better outcomes.