

Conference on Disarmament

English

Final record of the one thousand three hundred and eighty-fifth plenary meeting

Held at the Palais des Nations, Geneva, on Tuesday, 29 March 2016, at 10.05 a.m.

President: Ms. Tehmina Janjua(Pakistan)

The President: I call to order the 1385th plenary meeting of the Conference on Disarmament.

Excellencies, dear colleagues, Ms. Soliman, ladies and gentlemen, I had announced at our last plenary meeting that I would conduct consultations on the basis of different proposals for a programme of work currently on the table and address the question of organizing our work for the rest of the year. I thank you all for your valuable contributions and input and the candid exchange of views. Last week, I separately met with the three regional groups — the Group of 21, the Group of Western European and Other States and the Group of Eastern European States — and China as well as with the proponents of the various proposals for a programme of work, including the United States, the United Kingdom and Russia. I had brief discussions with the Nigerian delegation on the side lines as well. On Thursday afternoon, we also held open-ended informal consultations. The informal meetings were very useful to gain further insight on the issues at hand. That helped us in developing a collective understanding of the state of play in the Conference on Disarmament. I could discern a clear desire of the membership to commence substantive work in the Conference. I completely share this aspiration. During the informal consultations, many delegations encouraged me to focus on the adoption of a programme of work as the first priority. This is also a priority for the Pakistani presidency. I also invited Conference members to start thinking about other alternatives, such as structured informal discussions in case consensus on a programme of work remains elusive; there were different views on this issue as well. I now have a fair idea where different delegations stand on this issue.

Before I turn to the list of speakers for today, I would like to share with you a request received from the Executive Secretary of the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, Mr. Lassina Zerbo, to address the Conference at our next plenary meeting on 17 May 2016. Does any delegation object to this request? I see none, so we will invite him.

It was so decided.

The President: Turning now to the list of speakers, the following delegations have asked for the floor: the Russian Federation and Sri Lanka. I now give the floor to Ambassador Borodavkin of the Russian Federation.

Mr. Borodavkin (Russian Federation) (*spoke in Russian*): Madam President, I would like to welcome you to the important post of President of the Conference on Disarmament and to wish you success in your work. I hope that, under your leadership, delegations will cooperate to reach mutually acceptable outcomes on the Conference's programme of work.

Madam President, allow me to express to you and, through you, to the Government and people of Pakistan my sincere condolences for the terrorist attack that killed over 70 people and injured over 300 more. We strongly condemn this barbaric and unjustifiable act. We are convinced that those responsible for the crime will be found and severely punished.

Like earlier events in Brussels and many other regions of the world, the events in Lahore confirm the inescapable fact that the global terrorist threat can be effectively countered only if the international community works together. The Conference is capable of playing a role in overcoming this challenge common to all.

Today, the Russian delegation has distributed to the Conference a draft of elements of a convention on the suppression of acts of chemical terrorism and an accompanying explanatory note. Before presenting these documents, I would like to state that, overall, we are pleased with how the Russian initiative has been received, even though it was a surprise for many.

Two essential points emerged from the intensive talks that were held in March in Geneva and in the capitals of member States. First, all partners, without exception, recognize the urgent relevance of the subject of countering chemical terrorism, which is not surprising in the light of tragic events across the Middle East that have seen the number of persons killed in terrorist attacks involving chemical agents rise into the thousands rather than the hundreds. Secondly, no one has said that our initiative would somehow jeopardize

the national interests of his or her country and that it could therefore not serve as the basis for a consensus in any circumstances. In this regard, we believe, the new subject proposed by Russia has an advantage over the traditional items on the Conference agenda, each of which currently has its opponents. Given this, we consider that the interim results of the discussion on our initiative have thus far been largely promising.

We are extremely grateful to those countries that have already supported the Russian proposals. The overwhelming majority of other partners say that they have taken great interest in the proposals and continue to study them carefully. Questions have been raised for the purpose of clarification. While they come in various permutations, there are essentially only two. Firstly, does contemporary international law really contain gaps requiring the development of a new international agreement, or would it be sufficient simply to improve the application of existing instruments? And secondly, is the Conference on Disarmament in Geneva the most appropriate platform for negotiations on this subject? We have tried to give answers to all these questions in our explanatory note.

As the analysis given in the document shows, the negotiations will of course not start from a blank page. Certain elements of contemporary international law can be used in the suppression of acts of chemical terrorism. Counter-terrorism provisions are contained notably in the Chemical Weapons Convention, the International Convention for the Suppression of Terrorist Bombings and Security Council resolution 1540 (2004). Yet the analysis shows that they contain significant gaps. One glaring example is that the Chemical Weapons Convention does not cover non-standard and — from a security perspective — very worrying situations that could arise during a conflict. The Executive Council of the Organization for the Prohibition of Chemical Weapons unanimously recognized this fact as early as 2009. As no one was prepared to revisit the Chemical Weapons Convention, the decision was taken to develop certain basic principles to be taken into account alongside it, that is, principles that could exist in parallel with it. However, this was not done. Moreover, the grounds for attempting to resolve such important and sensitive issues through political agreements are doubtful. It would be more appropriate to do so through the new legally binding instrument that we have proposed, while at the same time also closing other gaps in international law, as are indicated in the explanatory note. This would allow us to counter the threats of chemical terrorism much more effectively and comprehensively.

On the subject of gaps, I would like to note that several delegations, notably our Chinese and Italian colleagues, spoke in favour of expanding the scope of the new convention to include acts not only of chemical but also of biological terrorism. We immediately began working on the idea and can today report that we have decided to support it. In fact, the Biological Weapons Convention, which was developed over 40 years ago, is even less well suited to counter-terrorism than the Chemical Weapons Convention. Specifically, it does not include a direct prohibition against the use of biological weapons, even by non-State actors. Also, it does not classify acts of biological terrorism as crimes, and the terrorist threat has not been taken into account in its provisions for national implementation. The time has come to remedy these defects, in particular as biological threats from terrorists are becoming increasingly real. Only a few weeks ago, reports were received that, in one Middle Eastern country, an act of bioterrorism had been thwarted at the preparation stage.

We see no unsurmountable obstacles to the combination within a single document of both the chemical and biological aspects of the terrorist threat, as the two topics are linked. In many cases, it will be sufficient to add to the relevant articles of the draft of elements of a convention that we have presented a reference to terrorist attacks involving the use of biological agents. But at the same time, it will likely be necessary to add some supplementary provisions that take into account the specificities of the biological angle and the even lesser extent to which that has been developed in international law in relation to terrorist activity.

We would like to take the opportunity to express our gratitude to our Chinese and Italian partners for their creative approach and the valuable “prompt”, which has helped to give the Russian initiative even greater “added value”.

With regard to the doubts that a number of countries have regarding the grounds for conducting the negotiations on the new convention here in Geneva, we can respond that, obviously, it could be done somewhere else, for example, in New York under the aegis of the General Assembly. The Russian Minister for Foreign Affairs, Sergey Lavrov, mentioned this explicitly in his statement to the Conference on 1 March, but we give preference to the Conference in view of the need to wake it from its lethargic slumber. We consider it completely absurd that, over the last two decades, the Conference has been unable to begin negotiations on a single issue and has proved itself chronically incapable of fulfilling its original purpose. We cannot count on being able to redress the situation in the near future with an agreement on a negotiation-focused programme of work on the basis of the traditional agenda alone — the disagreements on each of the items on it are too profound. Regrettably, judging from all previous experience and ongoing discussions, there are no grounds on which to expect that it will be possible to overcome these disagreements in the foreseeable future. Our remaining options are either to accept the situation, continuing to bicker uselessly and go round in circles, or to break out of it by adding to the agenda a new topic, one that has not yet been considered but could play a unifying role. We would like to hope that our proposed convention could come to play such a role. It should be stressed in particular that we are not guided by any narrow national or short-term interests. The Russian initiative is aimed exclusively at providing an adequate response to the growing challenges of terrorism and, at the same time, at breaking the impasse at the Conference, which is in everyone's interests. To this end, we are even prepared to drop our insistence on negotiations on the Russian priority: the prevention of the placement of weapons in outer space.

Another reason to conduct the negotiations in Geneva is that both the Biological Weapons Convention and the Chemical Weapons Convention were developed here. It would be perfectly logical for the gaps relating to terrorism to be filled in Geneva as well. In this context, as not all the States represented at the Conference are parties to the aforementioned conventions, it is important to emphasize that we are talking about a separate, entirely free-standing agreement, which would in no way undermine the integrity of the two conventions currently in force. We are convinced that all member States of the Conference on Disarmament can participate fully in the development and implementation of the new convention, even if they are not parties to the Biological Weapons Convention or the Chemical Weapons Convention, and can do so without compromising their positions.

Some partners note that our proposed subject does not fall squarely within the scope of disarmament. This is true, but it clearly does contain a disarmament aspect, as we show in our explanatory note. In reality, the Russian initiative lies at the intersection of disarmament, non-proliferation and counter-terrorism. We see no reason why the Conference should not take it up.

Some delegations have voiced the doubt that Geneva has the necessary expertise. We are not convinced by this argument. When the Conference began substantive negotiations on the Chemical Weapons Convention in the late 1980s, at the start, barely a single delegation possessed any of the required knowledge, but this shortcoming was quickly overcome during collective work. As a result, a highly professional and carefully designed agreement emerged, becoming one of the jewels of the international community.

The fissile material cut-off treaty is another example. Only Vienna has genuine expertise in this technically very complex area, but this does not prevent it from featuring on the Conference agenda. So let us not underestimate the capacity of today's generation of participants in the Conference to match our forebears in dealing with the current problems of the contemporary international agenda. There is no reason to hand over the responsibility to other international forums when we can take on the challenge ourselves. We hope that all those who are not indifferent to the fate of the Conference will agree.

I would like to say a few words on the draft of elements of the proposed convention. The document is based on the progress made in international law to date. It makes use in particular of several articles of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Acts of Nuclear Terrorism. Of course, the relevant provisions have been adapted to the requirements of the suppression of chemical threats. Further adaptation will be required if we agree to expand

the scope to include biological threats. I would like to draw particular attention to articles 15 and 16 of the draft, which concern the extremely complex topic of conflict situations. We have simply noted the issue and have not given detailed wording. We believe that it requires collective input during the negotiations themselves.

It is important to stress that we do not consider the draft of elements of the convention to be an exhaustive document. We are convinced that, during the negotiations, many delegations will propose substantive additions, as our Chinese and Italian partners have already done. We will but welcome this, as an effective agreement can be developed only through collective work.

In conclusion, I would like to make it clear that we are obviously not proposing that the Conference should focus exclusively on the proposed convention. Our comments on the programme of work, which were submitted to the Norwegian presidency in early March, envisage the creation of four working groups with discussion mandates for nuclear disarmament, outer space, a fissile material cut-off treaty and negative security assurances. We are ready to consider other options, too, as part of a balanced programme of work, on the understanding that a negotiation component should also be included.

The President: I thank the Ambassador. The next speaker on the list is Ambassador Aryasinha of Sri Lanka. You have the floor, Excellency.

Mr. Aryasinha (Sri Lanka): Madam President, since this is my first intervention under your presidency, please allow me to take this opportunity to extend our sincere congratulations on your assumption of this important responsibility. We are confident that with your able leadership and past experience, you will be better positioned to guide our work in this august body during your tenure. I also take this opportunity to express our gratitude to Nigeria and Norway for their tireless efforts in the last few months.

Sri Lanka attaches great importance to the work of the Conference on Disarmament, given its unique role as the sole multilateral disarmament negotiation forum of the international community, as mandated by the first special session of the General Assembly devoted to disarmament. The Conference on Disarmament has seen many successes in multilateral disarmament negotiations, including the Comprehensive Nuclear-Test-Ban Treaty, the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention and the Convention on Certain Conventional Weapons, from which we bear fruit today. If utilized to its full potential, the Conference could continue to function as an indispensable mechanism for the international community to contribute towards international peace and security. However, we note with regret that it is the twentieth year of stalemate in the Conference. We are deeply concerned by this situation. The Conference has provided the right platform to negotiate, while being cognizant of different national security challenges. Failure to use this opportunity is a collective failure of all of us in demonstrating the commitment to disarmament efforts. This is a worrying situation for the advocates of the Conference, as it raises the question of relevance and reliability of this body. Sri Lanka wishes to engage in any effort which would bring the Conference back to functional status and maintain the integrity and credibility of this forum in relevance to the realities of the contemporary world.

As to the substantive items on the agenda, nuclear disarmament remains the highest priority for Sri Lanka. My delegation continues to be concerned at the existence of nuclear weapons and their possible use or threat of use, as that poses a grave danger to humanity. We join the collective voice for the elimination of nuclear weapons from national arsenals. Pending the achievement of this, we are of the view that there is an urgent need to reach an early agreement on a universal, unconditional and legally binding instrument to assure all non-nuclear-weapon States against the use or threat of use of nuclear weapons. We also wish to align ourselves with the statement delivered by Kenya on behalf of the Group of 21 in this regard.

Sri Lanka strongly supports the convening of the fourth special session of the United Nations General Assembly devoted to disarmament to discuss and consider issues pertaining to disarmament, and it remains disappointed at the persistent lack of consensus on its convening. The urgency of convening this meeting is felt even more today in the light

of the various developments that have taken place recently, posing a greater threat to regional as well as international security.

Sri Lanka has participated in the work of the Open-ended Working Group on nuclear disarmament with a view to supporting efforts towards nuclear disarmament. We feel that the work of the Working Group could contribute to our efforts in the Conference to negotiate a comprehensive nuclear weapons convention.

We have noted the four proposals presented for a programme of work this year. While thanking those delegations for their proposals, we see merit in focusing on all four proposals comprehensively to build a consensus programme of work. We, however, note the difficulty in building convergence on different ideas put forward. While our efforts towards a consensus programme of work continue, we may also wish to consider other means of engagement to make this year productive. In this regard, let me assure you of the support of Sri Lanka for any practical proposal that could reignite substantive work in the Conference.

Madam President, I also wish to take this opportunity to express appreciation for your initiative of consulting member States in advancing the work of the Conference, including on the programme of work, and request you to continue these consultations with a view to examining avenues to overcome the current deadlock and to adopt a balanced and comprehensive programme of work. Allow me to conclude by wishing you a successful term as President of the Conference.

The President: Thank you very much, Ambassador Aryasinha. Would any other delegation like to take the floor at this time? I recognize the Ambassador of the United States.

Mr. Wood (United States of America): Madam President, let me start off by expressing my condolences to the Government and people of Pakistan for the recent terrorist attack in Lahore. We condemn this and we will support you and your Government going forward in trying to bring the perpetrators of this monstrous terrorist act to justice.

Let me also thank the Russian delegation for putting forth its proposals. My Government will review these carefully, but I need to make clear that the review will take some time. They are indeed very lengthy, complex documents. While we will review the proposals, it remains our belief that the Conference is not the appropriate place to address this issue. However, we are interested in working with Russia on the substance and we should do so through existing mechanisms relevant to this area, including the Organization for the Prohibition of Chemical Weapons open-ended working group on non-State actors and the 1540 Committee.

The President: I thank you, Ambassador, for your words of sympathy and condolences. The next speaker on the list is the Ambassador of Italy. Ambassador Mati, you have the floor.

Mr. Mati (Italy): Madam President, let me join other colleagues in expressing to you our condolences and solidarity after the terrorist bomb attacks which took place in Lahore last Sunday. We stand together with the families of the victims and we will continue to support Pakistan with a view to eradicating the scourge of terrorism from your country.

Turning to the meeting of today, I thank you also for your efforts to find common ground with a view to ensuring a shared way forward at the current session of the Conference on Disarmament. We are all engaged in this common effort.

After many years of stalemate, we have four proposals for a programme of work on the table this year. We have expressed support for the proposal of the United States, firstly, because it contains a negotiating mandate on an issue that we continue to consider a priority for the Conference in the field of nuclear disarmament and non-proliferation. The adoption of this programme of work with a simplified mandate on a fissile material treaty would break the historical stalemate of the Conference and move us forward with non-proliferation and nuclear disarmament.

I am not among those who consider the substantive work of the Conference to be only the action of negotiating, but neither do I believe that all our business can be resolved

through endless discussions. We have been discussing a programme of work for the past 20 years; therefore, we regret that it was not possible to achieve a consensus on the United States proposal.

Furthermore, I am aware that there is no full consensus on any of the proposals on the table if we consider them individually. If our aim is to find a common ground on the different proposals, we should focus, in our view, on the more concrete elements that are likely to advance the Conference's work. In this vein, we appreciate the United Kingdom proposal as it focuses primarily on nuclear disarmament and on non-proliferation issues, which is in line with our priorities.

With reference to the Russian proposal, we recognize its merits in addressing a very important issue. In our perspective, as I mentioned before, the problem of chemical terrorism and that of biological terrorism deserve our utmost attention. Therefore, we will study carefully the further elements introduced this morning by the Russian delegation.

In all events, Madam President, we stand ready to continue to support any constructive effort aiming at any reasonable and forward-looking agreement on a programme of work that could be acceptable to all.

The President: Thank you for your words of solidarity. Are there any other speakers? I see none. We have heard the Russian delegation today introduce a document containing elements of a draft international convention on the suppression of acts of chemical terrorism, as well as an explanatory note, which were circulated by e-mail and now in hard copy by the secretariat. I am sure that many delegations will need some time to study this document, as has been stated by Ambassador Wood, in order to get instructions from capitals and they may not be in a position to offer their comments right away. I intend, therefore, to hold an informal plenary meeting of the Conference on Thursday afternoon for an initial exchange of views on the Russian inputs as well as any other relevant issues.

I shall continue my consultations during the six-week recess period and keep assessing the prospects for progress on a programme of work as the first priority, which has been stated by many delegations as well. In case of a continued lack of consensus, we shall start consideration of other alternatives, such as a structured informal discussion in the Conference, but these are all open for further consultation. Once we resume the Conference session on 16 May, we will have a clearer picture of the situation. As I said last week, Pakistan as the President of the Conference remains committed to fulfilling its responsibilities in an inclusive, transparent and consensus-based manner.

I would also like to inform you that we plan to hold an informal plenary meeting of the Conference for a thematic discussion on women and disarmament on Thursday, 19 May 2016. We shall be sharing further details in due course. I take on this challenge after what was stated by the Ambassador of the Netherlands.

Would any delegation like to take the floor at this stage? That does not seem to be the case.

This concludes our formal business for today and the first part of the Conference's 2016 session. An informal plenary meeting of the Conference will be held on Thursday afternoon, 31 March 2016, at 3 p.m. in the Council Chamber.

The next formal meeting of the Conference on Disarmament will be held on Tuesday, 17 May 2016, at 10 a.m. in the Council Chamber. This meeting is adjourned.

The meeting rose at 10.40 a.m.