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# Conference on Disarmament

English

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

Held at the Palais des Nations, Geneva, on Tuesday, 24 May 2016, at 10.05 a.m.

*President:* Ms. Tehmina Janjua .....(Pakistan)



**The President:** I call to order the 1387th plenary meeting of the Conference on Disarmament.

Excellencies, dear colleagues, Ms. Soliman, ladies and gentlemen, I wish to convey my greatest appreciation for the attendance and level of participation at last Thursday's informal meeting on women and disarmament. We had an engaging and substantive discussion. This subject is very close to my heart, as it is obviously to many others. I thank all delegations for their active participation and their very positive feedback. As mentioned by the Minister of State for Foreign Affairs of Pakistan, Mr. Tariq Fatemi, last Tuesday, both in a statement in the plenary meeting in the morning and in his remarks at the reception in the evening, facilitating consensus on the resumption of substantive work in the Conference on Disarmament has been the top priority for our presidency.

I have been in regular contact with different delegations since the last plenary meeting regarding a programme of work for this session. I shall continue to use the remaining time available to me as President of the Conference in the most productive manner possible and try to bring us closer to consensus. I never give up.

We are all aware of the programme of work proposals that are before us. At the last plenary meeting on 17 May, the Russian delegation introduced a new informal proposal for a programme of work. It has merged the United Kingdom proposal, to some extent, with the first part of the earlier Russian proposal, which has been expanded to include both chemical and biological terrorism. I would like to hear your further comments, if any, at this point on this new proposal and other proposals that are already on the table.

On the list of speakers I have Brazil, France, Morocco, South Africa and Malaysia, not exactly in that order. If anyone wants to add their name to the list, please go ahead and do so. I will start off giving the floor first to the Ambassador of Brazil.

**Mr. Motta Pinto Coelho** (Brazil): Let me begin by congratulating you, Madam President, on your assumption of the presidency of the Conference on Disarmament.

The Pakistani presidency of the Conference offers us a valuable opportunity to renew our collective efforts towards the adoption of a consensual programme of work. I am fully confident that your wisdom and experience will help us guide the work of the Conference in this regard.

The Conference on Disarmament is without a doubt a relevant, although sometimes neglected, international forum in which decisions of paramount importance for the future of humankind are routinely taken, even if they represent, as has been the case over the past two decades, the maintenance of the status quo in the nuclear arena. Progress in nuclear disarmament seems to be a distant goal under the current circumstances: the pending entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the unfulfilled actions agreed upon at the 2000 and 2010 Nuclear Non-Proliferation Treaty Review Conferences, the stalemate plaguing both the United Nations Disarmament Commission and the Conference on Disarmament — all contribute to the frustration felt by the majority of the international community.

As we are aware, the root causes of the Conference's long-standing impasse lie in the wide-open gap between the majority of States, which see nuclear weapons as a threat to international security, and those who believe such weapons increase security and — more worryingly — can be relied upon indefinitely. Such a gap, which transcends geopolitical rivalries, is a cognitive gap and a deep-seated difference in the understanding of nuclear weapons, and it has been the most powerful obstacle to moving forward with the disarmament agenda.

The key to unlocking the nuclear disarmament dilemma may be found through the efforts to identify an approach which will either allow the vast majority of the international community to bridge those gaps with the States possessing nuclear weapons or will let that great silent majority proceed and pave the way for the future engagement of nuclear-armed States. To bridge the cognitive gap at this point seems a difficult task, as exemplified by the reluctance of States possessing nuclear weapons to take part in the Open-ended Working Group on nuclear disarmament, which was established by the United Nations General

Assembly — the most representative organ of global governance — with overwhelming support.

A renewed leadership in nuclear disarmament by the non-nuclear-weapon States is behind the decision taken by the General Assembly to establish the Open-ended Working Group. Non-nuclear-weapon States historically had the most important role in preventing the further pursuit of nuclear proliferation and the illusion of security associated with nuclear weapons. We are now faced with a situation where the progress recorded on non-proliferation is not enough to save humankind against a nuclear catastrophe. Confronted with the contradictions between discourse and practice on the part of the nuclear-weapon States, the non-nuclear-weapon States have no alternative but to take the lead and set the nuclear disarmament agenda in motion again. The political viability of immediate progress in nuclear disarmament seems to lie in the capacity of non-nuclear-weapon States to lead the way. Nuclear-weapon-free zones, in particular, as collective political entities, should play an active role in nuclear disarmament negotiations and should not merely be considered as areas of retreat from nuclear weapons politics.

In the Open-ended Working Group, Brazil has expressed its view that the most viable option for immediate action on nuclear disarmament is to negotiate a treaty prohibiting nuclear weapons, establishing general interdictions, obligations and an unambiguous political commitment to completely eliminate nuclear weapons. Brazil has also stated that the negotiation of a prohibition treaty should provide a framework for the progressive inclusion of all States initially resistant to join, thus reflecting a desired inclusive approach. In this context, we raised the possibility of a hybrid agreement, that is, a ban treaty to be complemented by protocols on the elimination of nuclear arsenals and on the non-discriminatory verification regime to be implemented after the dismantlement of all nuclear weapons.

I would like to note that, when discussing the role of nuclear weapons, some delegations to the Open-ended Working Group have repeatedly asserted that progress on nuclear disarmament must be conditioned on the maintenance of a hypothetical international strategic stability as well as the safeguarding of national security interests. Brazil strongly disagrees with such an argument and condemns persistent attempts to justify the possession of nuclear weapons, be it to sustain minimum national security levels or to ensure an alleged undiminished security for all.

We do not accept the argument that the activities of the Open-ended Working Group disregard national security issues. We also reject the argument that the launching of multilateral negotiations on a prohibition treaty would undermine the global regime of nuclear non-proliferation or increase polarization among States parties to the Nuclear Non-Proliferation Treaty (NPT). If we consider that article VI of the NPT contains a mandate on nuclear disarmament, then we have to acknowledge, as a logical consequence, the need to negotiate a non-discriminatory, universal, verifiable and legally binding instrument to prohibit and eliminate nuclear weapons and thereby complement the NPT. In this context, multilateral negotiations on a prohibition treaty would represent a major, albeit intermediate, step in that direction.

With respect to the alleged polarization among member States of the NPT, we do not think that the launching of negotiations on a prohibition treaty would contribute to either bridge or increase the gap between member States with regard to nuclear disarmament. But it would certainly redefine the debate and we would expect nuclear-weapon States to take up a more assertive position in favour of nuclear disarmament.

Last but not least, we do not believe that a prohibition treaty would hamper or limit cooperation and engagement between States participating in the negotiating efforts and those that choose to stay on the outside. In fact, it would probably help set up new benchmarks for that cooperation to be strengthened in the future.

Madam President, bearing in mind the work in progress in the context of the Open-ended Working Group and the fact that a majority of its members support the start of multilateral negotiations on a treaty to prohibit and eliminate nuclear weapons, I strongly believe that the Conference on Disarmament should — rather than remain oblivious — live

up to its mandate as the single multilateral disarmament negotiation forum of the international community and actively react to the developments taking place on the outside.

In this regard, I hope that Conference members will find, in the next few weeks, the necessary political will to overcome differences and adopt a programme of work that will get the Conference back on the right track — the track of negotiations, particularly in the field of nuclear disarmament.

**The President:** I thank the Permanent Representative of Brazil, Ambassador Pedro Motto Pinto Coelho. Next on the list is France. Ambassador Alice Guitton, you have the floor.

**Ms. Guitton** (France) (*spoke in French*): Madam President, allow me first to congratulate you once again on the way in which you are guiding our work and to reiterate my delegation's full support for your efforts to reach a consensus on a draft programme of work.

I have taken the floor today in order to officially inform the disarmament community that, as already indicated informally, France — subsequent to an agreement reached internally — transferred to the United States on 1 May 2016 responsibility for coordinating the process engaged in by the five nuclear-weapon States, known as the P5 process. France having discharged this function for less than a year, we will resume coordination of the process on 1 January 2017 until the end of the first session of the Preparatory Committee for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in May.

In this context, let me say a few words as representative of France about this process and the activities of the nuclear-weapon States in support of the implementation of the Treaty, and give an account of our efforts over the last few months.

As nuclear-weapon States within the meaning of the Nuclear Non-Proliferation Treaty, the P5 States reaffirmed, at the session of the First Committee of the United Nations General Assembly last October, their firm, shared objective of nuclear disarmament and general and complete disarmament in accordance with the preamble to and article VI of the Treaty. In that regard, our commitment to seeking a safer world for all and to achieving a world without nuclear weapons remains steadfast. We will continue to work for practical sequential stages to that end.

Since the launch of the P5 process by the United Kingdom in 2009, China, France, the Russian Federation, the United Kingdom and the United States have worked closely together to maintain their coordination and dialogue on the implementation of the Treaty. The P5 process is a means of developing common approaches to nuclear disarmament in accordance with our commitments and obligations, particularly those incurred under the Treaty, which remains the cornerstone of our efforts in the area of nuclear disarmament. By deepening their mutual understanding and trust, the P5 States show that they are determined to live up to their responsibilities in seeking a world without nuclear weapons, in a way that promotes international stability, peace and security, and based on the principle of increased and undiminished security for all.

During the last six years, the P5 States have met regularly to discuss various issues related to nuclear disarmament and to pursue practical results in this area. Six conferences have been held in our capitals, each one with a fuller agenda and more substantial discussions with the disarmament community, devoting significant time to meetings with non-nuclear-weapon States and exchanges with civil society. Each conference has built on the previous ones and helped to prepare the ground for the next stages.

The P5 States have also worked on the implementation of the 2010 NPT action plan, in particular to achieve greater transparency and increase mutual confidence. In this regard, a common reporting framework has been adopted under the leadership of France. It was used in preparing the national reports in 2014, which have increased transparency among the P5 States. Under the leadership of China, a first edition of a glossary of key nuclear terms was also published. This serves to strengthen mutual understanding and will help the P5 States to pursue their goals in the area of disarmament. It was published to mark the ninth NPT Review Conference last year, and a side event was organized to present the glossary.

After the NPT Review Conference last year, my country took on the role of coordinator of the P5 process in July 2015. Since then we have sought to give new impetus to the process by convening the group more frequently in order to work more closely together. As part of our efforts to enhance transparency, we organized a side event on the P5 process in New York last October, the first such side event to the First Committee of the General Assembly organized by our five countries.

Given that a new NPT review cycle begins this year, France believes that strengthening and deepening cooperation between the P5 States is essential to making practical progress for the benefit of all States parties to the NPT. We also believe that an incremental, pragmatic approach is the only effective way to make tangible progress in the field of nuclear disarmament.

The current debate on nuclear disarmament reveals a wide variety of approaches. We understand the frustration and impatience of those who believe that nuclear disarmament is not progressing quickly enough or going far enough. However, nuclear disarmament cannot be achieved overnight by magic spell. As events have shown, disarmament cannot be ordained, it has to be built.

To be effective, progress towards nuclear disarmament must remain anchored in a solid framework. The Treaty and the existing machinery, as established by the Final Document of the first special session of the General Assembly devoted to disarmament, have shown that they were forums that could foster progress on nuclear disarmament through constructive, inclusive and mutually respectful dialogue. Productive results can be achieved only through a consensus-based approach, which should be genuinely inclusive and firmly embedded in the security context.

France believes that it is in the best interests of all the P5 States to step up their efforts to encourage more dialogue and interaction in order to promote the disarmament agenda. As to the substance, my country intends to strengthen and deepen the work it embarked on with its partners in several areas during the last review cycle.

In particular we can see the benefits of updating and expanding the glossary of key nuclear terms, if necessary bringing out new editions. We also wish to pursue the dialogue with our four partners and work more closely on reporting and transparency. We are also open to strengthening our engagement with the disarmament community, particularly by stepping up our interaction and dialogue with non-nuclear-weapon States and civil society.

In other areas of cooperation, France is ready to work more closely with its P5 partners to further strengthen the three pillars of the NPT, including by addressing the issues of safeguards and compliance, and supporting the peaceful uses of nuclear energy.

We are also prepared to continue to work closely with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna on the preparation of a verification regime for the Test-Ban Treaty. On the occasion of the twentieth anniversary of the opening for signature of the Treaty, we reaffirm the vital importance and urgency of the entry into force of this treaty. Lastly, alongside continuing existing cooperation, France believes that dialogue and collaboration among the P5 States could be extended and new avenues could be explored.

In conclusion, a step-by-step incremental approach is the only possible option in order to make progress towards nuclear disarmament. My country continues to believe that, after the Comprehensive Nuclear-Test-Ban Treaty, the next logical and effective step is the launch of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, building on the work undertaken to date on this subject.

Each State can help in moving towards nuclear disarmament by creating the necessary security environment through the resolution of regional tensions and proliferation crises and the promotion of collective security, and by advancing in all areas of disarmament and arms control, taking into account all factors that might affect security and strategic stability in the world. For our part, we pledge to pursue our individual and collective efforts — including, as I said, in the P5 process — to achieve practical advances in nuclear disarmament.

**The President:** Thank you, Ambassador. Next on the list is the Permanent Representative of Morocco, Ambassador Mohamed Auajjar.

*(spoke in French)*

You have the floor, Ambassador.

**Mr. Auajjar** (Morocco) *(spoke in French)*: Madam President, since this is the first time that I have taken the floor under your presidency, allow me first to convey to you my sincere congratulations on your assumption of the presidency and to express our appreciation for the inclusive, transparent and effective manner in which you are guiding our work. I can assure you of my delegation's full support in discharging your mandate. I would also like to express my gratitude to the previous Presidents, from Nigeria and Norway, for their tireless efforts during their terms of office.

My delegation fully appreciates the efforts made in recent months by a number of delegations, which during the 2016 session of the Conference on Disarmament have submitted four new proposals with a view to galvanizing the Conference. The large number of proposals bears witness to the continuing resurgence of interest in the preservation of the Conference's role and mandate, which we thought at one time would evaporate. This new collective awareness should push us all to move forward and respond to the international community's urgent expectations with regard to peace and security.

My delegation has over the past months listened carefully to the various approaches that have emerged from these commendable initiatives, and it has thanked the authors for the new life they have injected into the Conference. Although the positions remain at this stage diametrically opposed, this energy that we now see in the Conference should be supported and encouraged — despite our differences — in order to bring about mutual understanding and identify the elements that might bring us closer together on these issues.

The Kingdom of Morocco shares the concerns about the risk of acquisition of chemical and biological weapons by terrorist groups, who have real potential in this area that is likely to pose a threat to us all. It is a real threat and one that merits close attention from the international community.

To that end, my delegation is ready to contribute to the discussion on the negotiation of an international convention for the suppression of acts of chemical and biological terrorism as proposed by the delegation of the Russian Federation, and it encourages further dialogue on the proposal and on the appropriate forum for such negotiations. My delegation believes that this proposal is rather a collective response aimed at countering such threats and combating chemical and biological terrorism.

My delegation, though attaching great importance to nuclear disarmament, believes it is useful to discuss any proposal that could stimulate the work of the Conference on Disarmament. In that connection, we encourage all initiatives aimed at triggering a process of active discussion and negotiation likely to create a climate of confidence and at completing substantive negotiations on all disarmament issues on the Conference agenda, taking account of the priorities and concerns of all States.

To that end, and in order to restore the Conference on Disarmament in its role as the single multilateral body for negotiating multilateral instruments of disarmament, my delegation is in favour of a constructive approach that might unblock the paralysis that has gripped the Conference for 20 years. My delegation proposes parallel discussions on the initiative of the Russian Federation and the other proposals made by the delegations of Nigeria, the United Kingdom and the United States, with a view to reaching a compromise that will make it possible to prepare a programme of work for the 2016 session of the Conference.

**The President:** Thank you, Excellency. Next on the list is Norway. Ambassador Kongstad, you have the floor.

**Mr. Kongstad** (Norway): Madam President, I wish to thank you and your team for all the effort and hard work that you are still putting into the Pakistani presidency.

You have invited us to comment on the Russian proposal. We have, with great interest, carefully studied the proposal of the Russian Federation. We fully share the view that chemical terrorism constitutes a serious threat — a threat that must be addressed in an effective manner. There is also an increasing risk of biological terrorism. We are, however, unable to share and support the main views expressed in the Russian paper. From our perspective, the main challenge for the international community is, rather, the lack of implementation of existing international frameworks.

Terrorism is probably not caused by the lack of legal instruments. What is needed is to develop practical measures that do not undermine existing instruments, forums and processes. We are ready to explore effective ways to strengthen the international response to challenges posed by chemical and biological terrorism. We believe that such deliberations would meaningfully take place within the framework of the Chemical Weapons Convention and the Biological Weapons Convention, or in the United Nations General Assembly. If we want to develop practical and effective measures to prevent terrorism, we do not see the Conference on Disarmament as a productive avenue to that end.

**The President:** South Africa is next. Madam, you have the floor.

**Ms. Mancotywa-Kumsha** (South Africa): At the outset, my delegation wishes to express its appreciation to you, Madam President, for your efforts as President of the Conference on Disarmament to break the long-standing impasse in the Conference and the stalemate that has raised questions about the vitality and continued relevance of the Conference as the world's global multilateral disarmament negotiating forum.

For many years now, we have warned that this situation cannot continue without it raising questions about the role and relevance of this institution. Of particular concern to my delegation is the impact that the stalemate may have on multilateralism, which, in our view, remains the only viable way in which we can sustainably address challenges affecting the security of all countries and peoples. However, if some members continue to use the Conference and its rules of procedure as a means to block progress on methods that affect our collective security, this body may well become irrelevant.

The Conference is not a place where we can prioritize the perceived national security interests of some or a few over the security interests of the rest of humanity. Security cannot be a zero-sum game where the security interests of the few somehow trumps the security interests of the rest. This type of approach to security is ill-suited for our contemporary globalized world and the transnational challenges we face today. The evidence provided at the three conferences on the humanitarian impact of nuclear weapons has again reminded us that we cannot treat nuclear weapons as a method that is only relevant for the few countries that possess these weapons. Given the devastating consequences of the use of these weapons and the threat of annihilation of a nuclear war, the subject of nuclear weapons is the business of all countries and peoples. If it was not, why would we have any interest in nuclear non-proliferation and the threat that nuclear weapons pose for international peace and security? It is precisely because we understand that our security is dependent upon the security of the rest of our continent — and of the world at large — that we have remained flexible on the various proposals submitted to the Conference over the last two decades aimed at the resumption of substantive work. South Africa is very much aware that members of the Conference have different priorities and concerns. However, these priorities need not be mutually exclusive. We believe that if all, and not only some, of the Conference members would show flexibility and compromise, it will be possible for us to work together, but this requires all of us to also recognize the legitimate concerns of others.

Madam President, it is in this context that my delegation has noted the various proposals submitted by delegations since the start of this year's Conference session. Unfortunately, many have fallen short in ensuring the commencement of negotiations on priority issues on the Conference agenda, while others have endeavoured to introduce new issues as a means of breaking the impasse. In the latter group, we have noted with interest the proposal submitted by the Russian Federation on a possible convention for the suppression of acts of chemical and biological terrorism. One of the key questions that need to be considered is whether this is indeed an issue that the Conference could deal with

given that the issue of terrorism is not a disarmament issue per se and that it is of such direct concern to all countries, many of which are not represented in this body. Is it not perhaps for this reason, among others, that the Convention for the Suppression of Acts of Nuclear Terrorism was not negotiated in the Conference? Also, what effect would such a negotiation in the Conference have on the priority issues on the Conference agenda that have yet to be subjected to negotiations? Nevertheless, despite these reservations, my delegation would not stand in the way of any consensus that may emerge on the proposal.

We have raised these issues because we want to see the Conference on Disarmament resume its rightful place as a disarmament negotiating forum. This is why we have also been at the forefront in championing the revitalization of the work of the Conference. However, despite our efforts, the continued failure to engage in substantive work does not allow us to be indifferent. We therefore remain ready to consider any proposal that will genuinely assist in breaking the impasse, while resisting attempts aimed at creating an illusion of progress in the Conference.

During the recent discussions at the Open-ended Working Group of the United Nations General Assembly on taking forward nuclear disarmament negotiations, several options have been highlighted. Beyond significant support for a prohibition treaty on nuclear weapons, some delegations emphasized their conviction that the so-called step-by-step approach is both realistic and that the specific steps, such as the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the conclusion of a fissile material treaty, will constitute effective measures towards nuclear disarmament. Others suggested that the step-by-step process has not proven to be effective given that the Treaty has still not entered into force 20 years after its adoption. Negotiations on a fissile material treaty have been delayed for decades with no real prospects for breaking the Conference's impasse, and the various commitments made by the Nuclear Non-Proliferation Treaty nuclear-weapon States, especially the so-called 13 steps of 2000, have largely remained unimplemented.

This delegation suggested that a more comprehensive approach be pursued, including that the Conference should immediately start negotiations on a non-discriminatory comprehensive nuclear weapons convention. Given this situation, and without prejudice to other options being discussed for taking forward nuclear disarmament negotiations, my delegation wishes to support suggestions made in this forum and elsewhere that the possibility of a framework approach be considered. Would a framework convention on nuclear disarmament not perhaps allow us the space to move away from the step-by-step versus comprehensive approach dichotomy? Can these seemingly opposing approaches be reconciled in a creative way, without undermining existing obligations and commitments? Could such a framework not provide a basis for increased trust and confidence among the few States that still possess nuclear weapons so as to accelerate progress towards our shared goal of a world without nuclear weapons? Would such an option not provide a substantive approach towards breaking the impasse in the Conference by providing a road map for the negotiation of subsidiary instruments for the achievement and maintenance of a world without nuclear weapons?

We look forward to engaging with all the delegations on these and other options as we continue to search for solutions that will strengthen the international rule of law and multilateralism in the field of disarmament, non-proliferation and arms control.

**The President:** Thank you, Ms. Mancotywa-Kumsha. Next I have Germany. Ambassador Biontino, you have the floor.

**Mr. Biontino (Germany):** First of all, I would like to thank you very much, Madam President, for the way in which you have conducted our business up to now in searching for consensus on our programme of work. We very much honour your engagement on this issue.

I would like to make a couple of brief remarks concerning what you asked us to do here today, that is, to comment on the Russian proposals concerning a convention on biological and chemical weapons terrorism. Of course, fighting terrorism in the biological and chemical area is a very important and very topical issue which we share fully, and the concerns underlying this proposal are shared by us, of course. However, a number of forums already deal with these very complex issues: the Organization for the Prohibition of

Chemical Weapons, the Secretary-General's mechanisms, the Security Council Committee established pursuant to resolution 1540 (2004). We thus would tend, for the time being, to rely more on existing mechanisms and regimes and to improve them and work with them, rather than to start a new mechanism within the Conference on Disarmament for a new instrument. We feel that this approach merits particular consideration since we can rely on established structures, proceedings and experts already existing elsewhere and would not have to constitute them here in our forum.

**The President:** Thank you, Ambassador. Next I have the Syrian Arab Republic. Mr. Al Nuqari, you have the floor.

**Mr. Al Nuqari** (Syrian Arab Republic) (*spoke in Arabic*): Madam President, as this is the first time that my delegation has taken the floor during your presidency of the Conference on Disarmament, please allow me to begin by congratulating you on your assumption of that presidency and by expressing my appreciation for the outstanding manner in which you are directing our activities. You have arrived at a stage that has seen a wealth of initiatives regarding the programme of work and we greatly appreciate the efforts you are making to attempt to achieve a consensus in that regard.

Madam President, you have invited us to comment on the Russian proposal concerning the suppression of chemical terrorism. In that context, we would like first to express our appreciation to the Russian Federation for presenting this proposal to the Conference. In fact, for a number of reasons, my delegation believes that the Conference on Disarmament is the appropriate place to discuss such an initiative:

Firstly, under Article 13 of the Charter of the United Nations, the General Assembly is enjoined to make recommendations for the purpose of progressively developing and codifying international law. On that basis, the International Law Commission (ILC) was established, which as you know works on the other side of this building. On the same basis, the tenth special session of the General Assembly, which was the first one devoted to disarmament, established that the Committee (it refers to a Committee) is the sole body devoted to negotiating disarmament instruments. Naturally, that Committee is now the Conference on Disarmament. Thus, when we talk about the issue of chemical weapons, or within that framework, I believe that this is the appropriate forum in which to do so.

Secondly, we have heard proposals that suggest a role for the Security Council in bridging the gap that exists in this area, and I would like to recall that, under Article 25 of the Charter of the United Nations, Member States of the United Nations are obligated to carry out the decisions of the Security Council. However, we are talking about Security Council decisions, not about power to legislate. In fact, drafting legal instruments is not one of the prerogatives of the Security Council. We also saw that certain parties mentioned the Sixth Committee of the General Assembly. The General Assembly makes recommendations and unless, for example, those recommendations involve the creation of open-ended working groups for the adoption of legal instruments, the Assembly does not itself adopt such instruments. The General Assembly makes recommendations. The furthest it can go is what is known as "soft law". Thus, the Sixth Committee has no prerogative or mandate to establish or adopt legal instruments. Turning now to the statements regarding the role of the Organization for the Prohibition of Chemical Weapons, that Organization was set up pursuant to a treaty, and the tasks and activities it can carry out are delineated in that treaty. In other words, any extension of its role would require additional legal instruments.

My final point is that the chemical threat is real and immediate. Recently, there has been a lot of news about chemical weapons in the hands of Islamic State in Iraq and the Levant (ISIL) and other affiliates of Al-Qaida, not only in the Syrian Arab Republic and Iraq but in a number of other regions of the world as well. You are aware that ISIL has now extended outside the Syrian Arab Republic and Iraq while the Al-Qaida affiliate, the Nusrah Front, is active in the Syrian Arab Republic and there are other Al-Qaida affiliates throughout the world. Just yesterday, the *Daily Telegraph* published an important article about Al-Qaida laboratories in Mosul where experiments are being carried out on chemical substances the group has developed — using expertise gathered in the West or skills of their own — and the materials are then tested on animals or prisoners held by ISIL. Thus,

there is a real and present danger that terrorist groups like ISIL, the Nusrah Front and other Al-Qaida affiliates will develop and use such weapons.

Please allow me also to make one simple comment on the programme of work. I hope that this year we will be granted the opportunity to adopt a consensual programme of work that will enable the Conference on Disarmament to carry out the role with which it has been assigned.

**The President:** Thank you very much. Next I have Switzerland.

*(spoke in French)*

Mr. Laurent Masméjean, you have the floor.

**Mr. Masméjean** (Switzerland) *(spoke in French)*: Madam President, first of all, as you near the end of your term of office, please allow us to express our appreciation for the manner in which you have discharged your mandate and for your efforts to enable the Conference on Disarmament to move forward. Regarding your appeal to delegations to share their views on the question of the adoption of a programme of work by the Conference, we would like to put forward a few thoughts.

First of all, we can only emphasize once more how important it is for the Conference to agree on a programme of work this year. Otherwise this session will mark the twentieth anniversary of the paralysis of the Conference. The adoption of a programme of work is the only appropriate way to reverse the marginalization threatening the Conference, a condition that can only deteriorate if the situation in the Conference persists and the processes in motion outside this forum gain momentum.

The adoption of a schedule of activities such as has been in use in recent years seems unlikely to help reverse the marginalization of the Conference; this should not therefore be the preferred approach.

Lastly, the matter of the adoption of a programme of work is now pressing, for the year is drawing on. Concerning the latest proposal for a programme of work, made by the Russian Federation last week, we would like to make the following comments. We would first like to thank the Russian Federation for its efforts to take into account the various comments made on its proposal.

We have noted with interest the various clarifications provided in the explanatory paper prepared by the Russian Federation. While many of the points made in the paper seem to us to be pertinent and to underline the potential value of drafting an instrument in this area, we would nevertheless like to reiterate a point that we have already made. It would seem to us appropriate, if not imperative, that any effort to develop such an instrument should be predicated from the outset on the value of consolidating and strengthening existing standards, not least because the rule of non-recourse to such weapons, including for non-State actors, is in our view enshrined in customary international law. Conversely, we would be worried about the implications for existing law if the negotiation of such an instrument was based on a narrative to the effect that a rule prohibiting the use of chemical and biological weapons by any actor did not already exist in broad terms.

We are also grateful to the Russian Federation for the draft programme of work it circulated to the Conference last week. We are particularly grateful for its efforts to integrate its own original proposal with the programmes of work submitted by other members of the Conference in response to the requests of many delegations. We welcome in this regard the inclusion in the draft of operative paragraph 2, which is the cornerstone of the draft programme of work of the United Kingdom; we believe it is essential in the current situation that the Conference should include in any programme of work a strong mandate in relation to nuclear disarmament.

If the draft programme of work circulated by Russia did not receive the support of all members of the Conference on Disarmament, possibly because the time is not ripe for immediate negotiations on a treaty on the suppression of acts of chemical and/or biological terrorism — as some speakers this morning have seemed to be saying — then it would seem appropriate to see whether a consensus might emerge on a revised text mentioning this situation in operative paragraph 1 of the text. It might be possible, for example, to

speak not of “conducting negotiations with a view to elaborating an international convention on chemical terrorism” but of “exploring the possibility of conducting” such negotiations.

For our part, we could also support other draft programmes of work presented earlier this year, notably the one put forward by the United Kingdom. Unfortunately, those drafts did not receive the support of all members of the Conference, and it seems clear that any solution — if we find one — will require a consolidation of the various existing proposals, and that all delegations will have to demonstrate the flexibility needed to enable the Conference to break the impasse. I will end on that note and thank you for your attention.

**The President:** Thank you very much. Next I have the United States. Ambassador Robert Wood, you have the floor.

**Mr. Wood** (United States of America): Madam President, I just wish to make some brief comments on the Russian proposal. My Government has reviewed the proposal and we still maintain a number of questions and concerns about it.

First and foremost, we do not believe that it is necessary to negotiate a new convention on this issue: there are existing instruments, which need to be supported. As we have said before, if there is some kind of gap, it is an implementation gap. We believe, as we have said previously as well, that other venues do exist. So, for us, the most important thing is that we not undermine the existing instruments that deal with the issues of chemical and biological terrorism. Those are my comments on the draft, Madam President.

**The President:** Thank you. Are there any other comments at this stage? I give the floor to the Russian Federation.

**Mr. Deyneko** (Russian Federation) (*spoke in Russian*): Before I begin, allow me to extend my sympathies through the representatives present here today to the people of Syria and Iraq, who face a daunting, life-and-death struggle against terrorism on a daily basis. Allow me also to express my condolences to the representatives of France and Egypt in connection with the crash of the commercial flight from Paris to Cairo that resulted in the deaths of their citizens and citizens of other countries.

The statements we have heard generally confirm the views which have repeatedly been voiced in this room to the effect that the majority of Conference participants either support our suggestion or are ready to join a consensus if one is reached.

Nevertheless, there are doubtless those who continue to question the feasibility of developing a new, separate international legal instrument or the need for its negotiation at the Conference on Disarmament.

I am not going to repeat the arguments that are often put forward by the Russian delegates in this room, as it simply seems unnecessary. I would just like to remind some of the Conference participants that United Nations Security Council resolution 1540 (2004) is not a resolution on counter-terrorism, and Mr. Ulyanov made clear in his statement last week that Russia does not endorse such an outlook. Resolution 1540 (2004) concerns non-proliferation, and its main objective is to prevent weapons, namely nuclear, biological and chemical weapons and their components, from falling into the hands of non-State actors.

Nevertheless, as we have emphasized on a number of occasions, both the Chemical Weapons Convention and, in particular, the Biological and Toxin Weapons Convention have clear inconsistencies, which have been recognized, at least within the framework of the Organization for the Prohibition of Chemical Weapons and by its leadership. Moreover, there have been specific situations that could not be handled within the framework of the Organization for the Prohibition of Chemical Weapons. All of this has been said many times. It has also been said that, in reality, the Conference on Disarmament does not have a monopoly on negotiating agreements, especially those whose scope extends to disarmament, non-proliferation and counter-terrorism. There are in fact many such forums, but no better alternative has been suggested. How, for example, can negotiations on bioterrorism take place in The Hague? I, for one, cannot imagine it. How, under resolution 1540 (2004), a non-proliferation resolution, can negotiations be held on counter-terrorism? This is not to mention the fact that turning the Security Council or Security Council resolutions into

international legal instruments on such sensitive and highly important questions is a matter for serious, independent consideration. As Mr. Ulyanov said previously, we would prefer a more inclusive approach that brings together all countries with a stake in combating terrorism for the purpose of developing a truly effective instrument in which the voices and contributions of all countries are discernible.

The main question here, perhaps, is the following: what issues will the Conference on Disarmament tackle? What negotiations will it conduct? From our own experience, we are well aware that Conference members' security concerns prevent us from reaching a consensus on traditional agenda items. I think that, for anyone trying to convince me otherwise, the near future, and indeed the immediate past, will prove them wrong. We have already addressed this matter here. We can see that there was no consensual basis for a treaty banning the production of fissile material or a fissile material treaty nor was there one for the Russian-Chinese treaty on the prevention of the placement of weapons in outer space or negative security assurances. Nonetheless, we will see where discussions lead and whether we have a real chance to reach a consensus on the Conference's programme of work this year.

A third and perhaps last point is that the Conference on Disarmament is the single multilateral negotiating forum on disarmament, and we, for instance, see no obstacles to having the Conference embark on the development of a single international legal instrument to combat acts of chemical and biological terrorism. If anyone thinks that such convergence is not possible, they need only turn to history. History has given us the Geneva Protocol of 1925, which prohibits chemical, biological and other weapons, which is to say that there are cases in point which are political, legal and what have you.

I do not wish to discuss gaps in the international legal framework here, but rather the fact that there are certain discrepancies between international instruments and their implementation. This is a fact, and it would be wonderful if it could be resolved within the frameworks of each instrument. However, would it not be better to join forces and develop a single legally binding instrument that would help the international community to cooperate more actively and effectively in combating the scourge of terrorism?

**The President:** Thank you very much. Are there any other comments? I would therefore request the Ambassador of Malaysia, Ambassador Mazlan Muhammad, to take the floor.

**Mr. Muhammad (Malaysia):** Thank you, Madam President, and please accept our belated congratulations on your assumption of the presidency.

I have requested the floor to inform the members of the Conference on Disarmament that I shall be relinquishing my post as Ambassador and Permanent Representative of Malaysia to the United Nations Office as well as other international organizations based in Geneva at the end of this month. Concurrently, I shall also be vacating my post as the Ambassador of Malaysia to the Conference on Disarmament. On taking my leave from the Conference, let me thank all members of the Conference, the Secretary-General and members of the secretariat for the friendship, cooperation and assistance that you all have shown and given to me in the four years that I have served in Geneva.

I am afraid there has not been any progress in the Conference since I arrived in 2012. However, I have enjoyed the experience of being among you and consulting and discussing with you. I particularly enjoyed when Malaysia, along with five other States, assumed the presidency of the Conference in 2014. I can confess now that becoming President of this Conference was a role that I anticipated with some trepidation. We were — and still are — stuck without a programme of work and members are looking squarely at the Presidents to find a way out of this gridlock. Ambassadors with greater diplomatic skills than I had not been able to solve this problem and soon you would all be looking at me. I could not take any solace from the fact that I would be the last President of the year and the last President would have to concentrate on the Conference's report to the General Assembly and therefore would have a perfect excuse not to look at the programme of work. From past experience, consolidating the Conference's report itself was always difficult; if the Conference could not reach an agreement, there might not be any Conference report for that year, which would be a huge embarrassment for me and my country. However, we not only

completed the report successfully, but we also finished the draft resolution presenting the report to the General Assembly in Geneva, which, some say, had never happened before. I was, of course, delighted and proud of this achievement, but I must humbly concede that the success was due to a large extent to the contributions and level-headed consideration of all members of the Conference involved in the negotiations. For that, I thank you from the bottom of my heart.

I wish also to express my gratitude to you for assisting me during my chairmanship to bring the Meeting of the States Parties to the Biological Weapons Convention last year to a successful conclusion. Although the Meeting of the States Parties is outside the ambit of the Conference on Disarmament, the delegates attending the meeting were also mostly members of this Conference. I wish you all the best and every success at the preparatory meeting in August and the upcoming Review Conference of the Biological Weapons Convention in November.

In parting, I also wish to make an appeal to members of the Conference to start working on the Conference's agenda. As I said before, there is absolutely no reason for us to remain stuck on the issue of the programme of work. The items on the agenda are all equally important. There is no reason why one agenda item should take precedence over another. We have five days in a week and the Conference has 24 weeks to work in a year; there are enough days in the week to consider all the agenda items in parallel with each other.

The important thing is to fulfil our mandate by starting to negotiate. Our mandate here is to negotiate, not to endlessly discuss and talk shop. There is no harm in starting to negotiate because agreements may take months, maybe even years, to reach. If we had started negotiations 20 years ago, some agenda items might have reached maturity by now, and we may have had something to be proud of. Instead, the Conference now has been considered irrelevant and the United Nations Member States are looking for other alternatives to get what they want. The Open-ended Working Group on nuclear disarmament is a case in point. I, for one, would even entertain the belief that the situation we are in today is deliberate — that the rules of procedure are being used to stop negotiations from taking place because the situation of disarmament is not beneficial to some. In this respect, I hope I am wrong. Forgive me for being blunt: I have no intention of criticizing a body which I am part of but, for humanity's sake, let us get a move on.

With that, I thank you again, Madam President, and all the members of the Conference for giving me this opportunity. I shall now fade away, but rest assured that I will be watching your progress from my humble cottage in the countryside of Malaysia. May God bless you.

**The President:** Thank you very much, Ambassador Mazlan. That is quite a threat: to watch us from your cottage in Malaysia. I assure you that that worries me more than anything else, because I have always been impressed by the very frank manner in which the Malaysian delegation has always presented its views. We may not agree with all of them but we certainly respect and enjoy the freshness of your words. So thank you very much. It has been a real pleasure and an honour for all of us to have you as a colleague here. I agree with you that whenever you take over the presidency of the Conference, you walk into this role with great trepidation, because the expectations are high. But then, everyone tries very hard. The rest depends on the world outside of this room as well.

I thank everyone for their statements. At this point, I am not planning to hold another plenary meeting this week. I am saying this since this appears to be the last plenary meeting under the Pakistani presidency. We will probably have to wait for another 11 years if not more — if we get expanded, then many, many years — to get this role again. So, I feel honoured to have had this opportunity to sit here, even if my friend and colleague, Ambassador Steffen, had said that this is just an accident of rotation. It was an accident of rotation, but it is truly an honour.

As I said, I am not planning to hold another formal plenary meeting this week. However, I will continue to consult on a programme of work and will communicate to you, through the secretariat, if there is any need to meet in an informal, open-ended plenary setting before the end of the week, and that could be Thursday or Friday. I will try to push

as far as possible, until the last day of the presidency. But a lot depends on how things work out in the consultations.

As I said, this is the last formal plenary meeting under the presidency of Pakistan. I would like to make some concluding remarks and share some of my reflections with you.

We witnessed a number of proposals for a programme of work this year. They reflect the serious desire of the Conference membership to resume substantive work in the Conference. In fulfilling my task as the Conference President, I tried my utmost to listen to each of you and be guided by your advice. I met all the regional groups and held separate meetings with the proponents of the programme of work proposals. Beside our regular plenary meetings, we also held two open-ended plenaries of the Conference on 24 March and 31 March. During the six-week recess, I held targeted consultations in small groups and with individual Conference members — more with individual Conference members — to see if we could find some consensus on the proposals that were on the table. It was clear to me that we cannot exclude or ignore anyone in any forum that operates by consensus and deals with very serious issues that directly impact on the vital national security interests of its member States. In my view, there is room for progress if we respect each other's red lines and focus on the issues that unite us. While the adoption of a programme of work should continue to be our first and most important priority, I think we should also ponder over a schedule of activities for structured informal discussions on substantive issues. The experience from the previous two years has been very positive in this regard.

Nevertheless, I believe that it is up to the new President to look at all the possibilities, including consideration of all the proposals that are on the table. In placing on the table the possibility of a schedule of activities, I am not suggesting that we abandon our efforts for agreement on a programme of work. Those efforts should continue and, as soon as we are in a position to implement a programme of work, the schedule of activities can be terminated. But both actions may become necessary at a later stage and it is up to the next President to take a decision in this regard.

During the last few years, some delegations have commented on the duration of the presidency, arguing that four weeks are not sufficient for the job. In my opinion, based on our experience, the duration of the presidency is not at all an impediment as it hardly impacts on the substantive work in the Conference. We work, as far as possible, in a collegial manner and, therefore, the presidency only provides a certain degree of leadership. We all have to take decisions together. The Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty were successfully negotiated under the same rules of procedure and duration of presidencies. Member States would not change their positions even if the duration of the Conference presidency were increased, I imagine.

The key to progress in the Conference is the need to respect the right of all States to equal and undiminished security. It is simply not realistic to expect States to enter negotiations on treaties that would negatively affect their national security interests. The disarmament and non-proliferation agenda can only be advanced on the basis of a non-discriminatory, equitable and inclusive approach, and not by creating exceptions.

I take this opportunity to thank each and every one of you for the support and cooperation that was extended to me and to my very large delegation. My colleagues who also served as President this session were a particular source of strength for me. I tried to advance the useful work initiated by Mr. Peters Emuze, who is not here but his colleague is here, and Ambassador Steffen Kongstad, who is sitting here and whom I greatly respect for the work and the energy that he put in during his presidency of the Conference. I have full faith in the ability of Ambassador Luis Enrique Chávez, the Permanent Representative of Peru, to continue this work more productively. I wish him and the succeeding Presidents — the Ambassadors of Poland and of the Republic of Korea — the best of luck in their endeavours to achieve our collective goal. My delegation will continue to support their work actively and constructively.

I would also like to take this opportunity to thank the Secretary-General of the Conference on Disarmament, Mr. Michael Møller, and his able team, including Ms. Mary Soliman, the Acting Deputy Secretary-General, and Mr. Marco Kalbusch, who keeps a firm and steady hand on everything we do — and we have to respond to that, otherwise things

would go astray in this Conference — for the effort and all the work they have put in. Marco has been of great assistance and his support was critical in making sure that all the meeting arrangements were flawless and the conduct of meetings was smooth — and to ensure that the curtains were drawn on the last day of the Pakistani presidency. I also express my gratitude to other colleagues at the Office for Disarmament Affairs, the conference services staff, in particular, our interpreters for the great support and constant patience with our bad English and our wrong pronunciations, the technicians and all other people working behind the scenes. I often wonder where we would all be without your constant support. So I thank you very much. My good wishes also go to my colleague, as I said earlier, Ambassador Luis Enriquez Chávez of Peru. I wish to assure him that my delegation and I stand to support him in all his efforts.

This concludes our business for today. Our next plenary meeting will be on Tuesday, 31 May 2016, at 10 a.m., in the Council Chamber, under the presidency of Peru.

This meeting is adjourned.

*The meeting rose at 11.30 a.m.*