

CONFERENCE ON DISARMAMENT

CD/PV.1108

17 June 2008

ENGLISH

FINAL RECORD OF THE ONE THOUSAND ONE HUNDRED AND EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 June 2008, at 10.10 a.m.

President:

Mr. John DUNCAN

(United Kingdom)

The PRESIDENT: I declare open the 1108th plenary meeting of the Conference on Disarmament.

On the list of speakers for today's meeting I have the following delegates wishing to take the floor: Sweden and Cuba.

I now give the floor to the distinguished Ambassador of Sweden, Ambassador Dahlgren.

Mr. DAHLGREN (Sweden): Mr. President, first, let me express my appreciation for the way you, as well as your P-6 colleagues, are guiding the work of the CD during this year's session. You may rest assured that my delegation will continue to do its utmost to support you in your important tasks.

Today, I take the floor on behalf of Sweden and Finland in support of the draft proposal for a programme of work presented by the P-6 and contained in document CD/1840. Let me underline that our two countries fully subscribe to the statement already made on this topic on behalf of the European Union on 15 May.

Sweden and Finland are members of, and devote considerable political and diplomatic efforts to, this Conference, because we believe in effective multilateralism and are convinced that the security challenges we face today require common solutions. The Conference on Disarmament was established as the single multilateral disarmament negotiating forum, a permanent venue where global security can be built through negotiations that take into consideration the legitimate security concerns and perceptions of all States.

Our two countries have, over the last few years, including in high-level statements, warned of the danger that this Conference could sink into irrelevance if the present paralysis was not broken. We have also underlined that those blocking progress must be made to understand that the inertia in the CD is doing damage not only to our common security, but also, in the long run, to their own security.

By joining this Conference, we as member States have taken on a collective responsibility to seize opportunities to negotiate treaties that strengthen global security. Such opportunities do exist and it is our duty to act upon them, and not doing so is irresponsible.

The proposal for a programme of work in document CD/1840 is a balanced and carefully crafted compromise that would allow this Conference to resume substantive work and negotiations in its 2008 session - no more, no less. We fully share the view expressed by the Secretary-General of the United Nations that it "would not deprive any member State of the ability to assert its national positions in the subsequent phases of the Conference's work". CD/1840 should not be considered as another "grand bargain". The adoption of this programme of work would merely allow us to resume the serious work for which this Conference was once created. It would allow us to start a process of hard bargaining, based on "give and take" and respect, respect for each other's security perceptions, which should ultimately lead to legally binding agreements that strengthen global security.

(Mr. Dahlgren, Sweden)

Let us prove wrong those that, in words or in deeds, appear to have already written off the CD.

Let us continue to urge those very few remaining States that have not yet endorsed CD/1840 to urgently reconsider their positions.

And let us spare no efforts to overcome the remaining hurdles in order to finally cross the bridge that has been built. Because cross it together we must.

The PRESIDENT: I thank the Ambassador of Sweden for his kind words. I now give the floor to the distinguished representative of Cuba.

Mr. LA ROSA DOMINGUEZ (Cuba) (spoke in Spanish): First of all, my delegation would like to thank the United Kingdom for their endeavours thus far in connection with document CD/1840. We are about to conclude the second part of this year's CD, which risks suffering the same fate as previous sessions. In this context my delegation would like to place on record a number of comments. The first, in relation to document CD/1840, is as follows.

My delegation would not oppose the adoption of the above-mentioned document CD/1840 if consensus were to be reached on this proposal. We are aware that its adoption would raise the possibility that we could finally have something resembling a programme of work, which would enable this body to do serious work.

However, we consider it essential to share some further views on the situation in which we find ourselves. For Cuba, nuclear disarmament is the highest priority in disarmament, as all Member States of the United Nations agreed in the final document of the first General Assembly special session on disarmament, held in 1978. As long as we make no progress in that area, we cannot continue to delay the conclusion of a universal legally binding instrument without conditions on security guarantees for non-nuclear-weapon States.

In this regard, we urge those nuclear Powers and other States which are currently stressing issues of non-proliferation to the detriment of nuclear disarmament to unambiguously face up to the obligation which all States parties to the NPT assumed under article VI, including the commitment to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament".

It is truly disappointing that we are giving way to the dismal realpolitik that is being imposed on us in this unfortunate era in which we live in terms of disarmament and arms control. It is not possible for the stubbornness and might of a few to lead all of us down the easy path of accommodating their interests while major efforts are redirected towards issues of secondary or lesser importance.

Having said that, my country would just like to say that we are optimistic about the future. Things will change sooner rather than later.

The PRESIDENT: I thank the distinguished representative of Cuba for his kind remarks and for his very pertinent comments. I now have on my list the distinguished Ambassador of Pakistan, Ambassador Masood Khan.

Mr. KHAN (Pakistan): Mr. President, since I am taking the floor for the first time under your presidency, we want to congratulate you on the way you have conducted the proceedings of the Conference. We compliment you on the drive, style and sophistication that you and your delegation have brought to the work of the CD.

While addressing this Conference on 23 January this year, the Secretary-General of the United Nations Ban Ki-moon said that, in setting priorities, CD members were under no constraints as to how to conduct their substantive work, other than to proceed on the basis of consensus. The Secretary-General observed that to achieve this objective, what we need is “political vision”. He wisely said: “Top-level political leadership and cooperation can forge a fresh consensus on future projects.”

Our policy on a fissile material treaty (FMT) has been determined at the highest decision-making level. The National Command Authority reiterated last year Pakistan’s position in favour of a non-discriminatory, multilateral and internationally and effectively verifiable treaty, taking into account the security interests of all States.

A paper, CD/1840, was presented by the CD President during informal consultations on 13 March 2008. From our point of view, there was only a minor difference between L.1 of last year and the new paper synthesized this year.

While presenting the paper, it was made clear by the President that it would form the basis for further informal consultations. At that point, we stated that Pakistan was ready to table its amendments to the paper in accordance with instructions from the capital. The paper was referred to the capital for examination.

On 18 March, the next President of the CD said that CD/1840 was an attempt to integrate “the efforts of each and every CD member to step up the work of the Conference and gain consensus on the way forward”.

On 27 March, the CD President said that, during the intersessional period, consultations on the paper would take place in the spirit of transparency, flexibility and compromise.

The next CD President, on 26 May, told the Conference: “We now have a declaration, a proposed programme of work, which commands almost complete consensus at this Conference.” We understand what may constitute “consensus” or, for the sake of emphasis, “complete consensus”; but we have not been able to fully decipher “almost complete consensus”, *almost* qualifying *complete*.

(Mr. Khan, Pakistan)

The fact is that nothing has changed since 13 March. No engagement to amend or negotiate the text of the paper has yet taken place. The document remains as it was introduced. Not a single comma has been changed, though several substantive and procedural suggestions have been made by our delegation and by other delegations. Our understanding was that it was not a take-it-or-leave-it proposal.

The statement on 26 May was followed by a very well-meaning assurance by the President: "... we remain especially open to suggestions any delegation may have on CD/1840 which they, after consultations with others, consider will bring us even closer to consensus". We welcome this mandate for us to initiate consultations on our own proposals, without in any sense giving the slightest impression that the six Presidents will abandon their responsibility to forge consensus.

To give credit where it is due, the Presidents held intensive consultations, mostly in Geneva. Some have engaged capitals, in some instances at the highest political level. Your country, Mr. President, has been the most active in this regard. The message in these contacts was simple: accept the paper of 13 March as it is. No serious overture has been forthcoming so far to accommodate the known concerns on the paper.

From Islamabad, the response to our interlocutors has been that Pakistan will sign any dispensation or mandate that is non-discriminatory. Pakistan proposes that the CD should work on a mandate for a verifiable fissile material treaty; and Pakistan has started an interdepartmental evaluation of the recent draft proposal.

Our substantive concerns about CD/1840 are well known and are stated in CD/1843. These, inter alia, are a commitment to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable" fissile material treaty; the creation of a space for addressing the question of the existing and future stocks, as was done in the Shannon report; negotiations on all four core issues - nuclear disarmament, FMT, PAROS, and NSAs; using ad hoc committees as mechanisms for negotiations; a clear differentiation between the role of the coordinators to facilitate informal discussions and the function of formal CD subsidiary bodies to conduct negotiations in the context of the programme of work. Moreover, the coordinators have so far worked informally under the authority of the CD Presidents. Their reports have no formal status. Formalization of their role as the CD's subsidiary bodies for the core issues will require open and full-fledged discussions in the CD. This cannot be done indirectly by amalgamating the role of the coordinators with the proposed programme of work.

We would also like to briefly address some recurrent themes, namely, that CD/1840 does not take into account "the interests of all CD members". It requires some dissection and changes to fit that description. We agree that we should commence work in the CD without preconditions. There are three preconditions, which we must remove. First, no negotiations can start if "verification" is part of the mandate. Second, no negotiations can start if ad hoc committees will deal with the four core issues minus FMT. Third, negotiations will take place

(Mr. Khan, Pakistan)

only on FMT, not on the other three core issues. Given the familiar history of FMT since 1993, and especially its recent history, it is abundantly clear that CD/1840 is crafted with a built-in prejudgement about the outcome of discussions and negotiations. The dice are loaded from the start.

We must bear in mind that negotiations on FMT were started in 1998 on an agreed basis and within an agreed programme of work, following five years of hard work to develop and pursue the Shannon mandate. In fact, after the adoption of the decision to start FMT negotiations, at that point, one delegation had effusively remarked that "after 40-odd years or so we finally got to this decision". At that time, commencement of the negotiations was made possible by addressing issues, not by sidelining them. We did not interrupt those negotiations.

It would be a mistake to invest our precious time and energy on either the reform of the CD or the search for alternative forums or ways to negotiate an FMT. Our work in the CD is cut out for us within the agreed working methods and parameters.

For our part, Mr. President, we are ready for formal and informal negotiations on a comprehensive and balanced programme of work in a transparent and constructive manner.

The PRESIDENT: I thank the distinguished Ambassador of Pakistan.

Are there any other delegations wishing to take the floor? I recognize the distinguished Ambassador of Canada.

Mr. GRINIUS (Canada): Mr. President, I do congratulate you on your presidency and on the work that the P-6 have been doing to try to break through this impasse. I have listened very closely to our previous speakers today. I do not have any prepared statement, but certainly Canada does join Sweden and Finland in its continued support of CD/1840 as a practical starting point, not without a lot of difficulties, as pointed out by the distinguished Ambassador of Pakistan. He made some references to the history of FMCT. What I have been doing over the last week or so has been what I would call an archaeological dig of my files - it is always quite exciting to see what one can find - including the working files of a number of my predecessors several times removed. I would just like to share a couple of quotations I have come across from my predecessor three times removed, Ambassador Mark Moher, when he was here and discussing the FMCT.

On 14 February 1997, he gave a presentation on the issues and prospects of the FMCT. He said that clear thinking on how we begin will be essential. There is no doubt that tough decisions will be necessary during any negotiation, but not necessarily a priori. While a decision in principle to begin is necessary, that decision need not prejudge vital issues, nor need we possess all the final answers before we even start. Now that is something said well over 10 years ago and I would suggest that it applies as much today as it did back in 1997.

(Mr. Grinius, Canada)

Ambassador Khan of course referred to the decision back on 20 August 1998 appointing Ambassador Moher as Chairman of the Ad Hoc Committee for the current session, in the context of starting negotiations on the FMCT. But then a few months later, he said: "We wish to emphasize" this is in March 1999 "our regret that we are not in a position to address or re-establish that Ad Hoc Committee formally tasked to negotiate. We renew our plea for immediate action in that regard", and I guess we are still pleading for immediate reaction in that regard.

In terms of Pakistan's intervention, I always appreciate our distinguished colleague for being very straight and upfront in terms of where his country stands. There is one element that Canada certainly does have difficulties with - one of many. On the issue of negotiations on all four core issues - nuclear disarmament, FMCT, PAROS and negative security assurances - my gut feeling, as someone who is relatively new to this august body, is that I do not think that all four core issues are ripe, actually, for negotiation, and things like negative security assurances, which I thought had been flogged to death 20 years ago, are still not ripe for negotiations. Something like that, I think, would require having also found mountains of paper on the subject, a necessary "toilettage", and perhaps even, for instance, a summary from every member of the CD of where they stand on something like negative security assurances. Nuclear disarmament: well, it seems like more of a wonderful long-term objective rather than really a negotiation that is realistic at this point. And, of course, our Russian and Chinese friends have put down a treaty on outer space. There is a lot of work, as we have found out, that has to be done on the whole issue of outer space, even before any negotiations are contemplated, and there seems certainly to be a willingness to discuss this. So, the bottom line again seems to be that an FMCT can be much more ripe for serious discussion and negotiation than any of the other three core issues. I certainly would ask members here to be realistic about expectations and not just say OK, we must negotiate everything at once, as if that were a realistic position.

The PRESIDENT: I thank the distinguished Ambassador of Canada for his kind words to the presidency. I now have the distinguished representative of Algeria.

Mr. KHELIF (Algeria) (spoke in Arabic): As this is the first time that the Algerian delegation has taken the floor under your able presidency, we would like to express to you our heartfelt congratulations on your assumption of the presidency. We thank you for your able leadership and effective guidance of our deliberations and consultations. We also express our profound gratitude to your predecessor, His Excellency the Ambassador of Ukraine and his distinguished delegation, for the efforts that he made during his presidency of the CD.

As a matter of fact, the Algerian delegation does not have a prepared statement today and had no intention of taking the floor today, because the position of my delegation was stated, at the outset of this session, by His Excellency Ambassador Idriss Jazairy of Algeria. While our position is the same, the discussion now taking place has prompted us to take the floor in order to enrich the discussion on the current status of document CD/1840, concerning the programme of work of the CD. As you know, the Algerian delegation has been immersed in the work of the Conference since 2006, endeavouring to contribute as much as possible to end the stalemate, or deadlock, which has afflicted the Conference since 1996. The deadlock does not mean that the Conference, or the members of the Conference, have not done any work or made any

(Mr. Khelif, Algeria)

contributions. However, all the contributions that have been made up to now, have, regrettably, failed to win consensus. I listened attentively to the statement of His Excellency the Ambassador of Canada concerning the programme of work, as well as the issues that are ripe for negotiation. Here, I would like to ask a question. What does it mean that there are matters that are ripe for negotiation and matters that are not yet ripe for negotiation? Does it mean consensus? Or are there technical issues that need to be clarified with regard to any of these matters? He also referred in his useful statement to a previous statement that reaching agreement on a programme of work requires us to make concessions or take difficult decisions.

Here, I would like to ask a question about negative security assurances. What does it mean that there is not yet consensus on this matter? Does it mean that some countries are opposed to negotiations on negative security assurances here in the Conference? If that is the case, it does not only affect negative security assurances. There is no consensus on the four core issues, otherwise we could have started negotiations as well on FMCT.

Algeria attaches the utmost importance to nuclear disarmament, but given the conflicting approaches at the Conference, it made a proposal in the framework of the A-5 proposal that this question should only be discussed, but not negotiated. At the same time, it considers the issue of negative security assurances to be a pressing matter, because regulation in French “réglementation”, of non-proliferation implies regulation of the use of nuclear weapons, otherwise, all the efforts that we are currently making are in vain.

The Algerian delegation, as we said in our previous statement, considers document CD/1840 as a step forward with respect to L.1. Regrettably, however, we note that the positions of States have yet to achieve consensus. We therefore ask you, Mr. President, and your successor, and the distinguished delegation of the United Kingdom, as well as the P-6, to work together to reach the desired consensus through intensive consultations. We hope that consensus will be reached on document CD/1840, in a manner that will take into account the concerns of all member States of the Conference on Disarmament.

The PRESIDENT: I thank the distinguished representative of Algeria.

Are there any other delegations wishing to take the floor? It would appear not to be the case.

So, as this is the last meeting under the presidency of the United Kingdom, allow me to make some concluding remarks.

It has been a pleasure and an honour to preside over the CD for these past weeks. Nationally, the United Kingdom continues to be a strong supporter of multilateral approaches to disarmament and, as such, welcomes the important work of this Conference.

We have during our presidency heard a number of very pertinent interventions. When the United Kingdom assumed the presidency four weeks ago, we noted the almost complete agreement around draft decision CD/1840, a proposal which contains much of the substance of a similar decision put forward by the 2007 CD presidencies. So, let us bear in mind that that is the

(The President)

view of 12 presidencies - countries drawn from across the regional and political groupings of this institution - and when we took the presidency for ourselves, we called on remaining States to show flexibility and to allow negotiations to begin on a fissile material cut-off treaty, together with substantive discussions, not simply an exchange of views, but substantive discussions, on the other issues. Regrettably, that has not yet happened, and I sense the disappointment in the room.

We welcome the commitment made by many colleagues, and during our presidency we have carried out a series of bilateral consultations in which we have equally welcomed the candour and openness of these discussions, which have increased our understanding of the differences. I do not believe that these are insurmountable. But we do need to look at what is possible and what is achievable. As was mentioned this morning, I do wonder whether it is realistic to suggest that this body can carry out four parallel negotiations. Are we not in the situation, yet again, as so often in multilateral diplomacy, where the best is becoming the enemy of the good?

We believe that time still remains for us to grasp this nettle and very much welcome the engagement in public today by some of those who still have difficulties with the draft proposal, but, as I say, I think we have time to grasp this nettle and show the world that we are serious about the challenges we face.

I would like to express my gratitude to the Secretary-General of the Conference on Disarmament, Mr. Sergei Ordzhonikidze, and to his deputy and the secretariat for their welcome assistance in the day-to-day running of the Conference, and to the interpreters also for their hard work.

It is my pleasure to warmly welcome the representative of the United States, Ambassador Christina Rocca, and wish her the best of success with her presidency in these challenging times.

We will continue to work closely with Ambassador Rocca and other members of the P-6 group, together with all delegations present here over the remaining weeks. The Conference on Disarmament, as has been said many times, is the sole institution for the negotiation of multilateral disarmament instruments, and our hope is that we will get it back to work.

I would also like, looking around the room, to thank those many colleagues who have increasingly other responsibilities placed upon them for their regular attendance at this Conference.

This concludes our business for today.

With respect to next week's activities of the Conference under the presidency of the United States, there will be a formal plenary on Tuesday, 24 June at 10 o'clock in this chamber.

This meeting stands adjourned.

The meeting rose at 10.50 a.m.