

CONFERENCE ON DISARMAMENT

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ENGLISH

FINAL RECORD OF THE ONE THOUSAND AND TWENTY-FIRST PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 May 2006, at 10.20 a.m.

President: Mr. Doru-Romulus COSTEA (Romania)

THE PRESIDENT: I declare open the 1021st plenary meeting of the Conference on Disarmament.

As per our timetable, today we will approach two topics in our debates: compliance and verification. We recall yesterday's debates, and during those debates, there was an agreement that these two issues might be approached at the same time, as they are rather interlinked. Delegations are invited to feel free to approach these issues as it suits them.

For this morning's plenary, I have the following speakers on my list: the Democratic People's Republic of Korea, Mexico, the United States of America and Japan. Of course, the list is still open.

I now give the floor to the representative of the Democratic People's Republic of Korea, Mr. An Myong-hun.

Mr. AN (Democratic People's Republic of Korea): My Ambassador had been scheduled to make a statement, but this could not be the case, due to his other engagement, so I will read his statement.

First, Mr. President, on behalf of my delegation, I would like to congratulate you on your assumption of the presidency. I highly appreciate the excellent manner in which you preside over our discussions, and I assure you of my delegation's full cooperation.

The Conference on Disarmament has an important role to play in world peace and security as a multilateral negotiating forum on disarmament. Today, the CD has to assume a mission all the more important as peace and security are confronted with grave challenges due to arbitrary and unilateral actions.

The CD has in the past made enormous efforts to overcome difficulties and challenges and to commence substantial work. However, it has not presented any tangible result before the international community for 10 years. Sincere efforts to agree upon a comprehensive and balanced programme of work have not borne the desired fruit. The "five Ambassadors' proposal", though enjoying absolute majority, remains on paper.

The CD is not a forum serving the unilateral interests of one country. The CD cannot be a hostage to one country.

The DPRK attaches great importance to the issue of nuclear disarmament. The DPRK holds that discussions and negotiations in the CD must be oriented towards achieving complete nuclear disarmament.

Our demand for nuclear disarmament is linked to our efforts to achieve the denuclearization of the Korean peninsula. The denuclearization of the Korean peninsula is the desire and goal of the DPRK.

(Mr. An, Democratic People's Republic of Korea)

The nuclear issue of the Korean peninsula originated from the anti-DPRK policy of the United States to negate the ideology and system chosen by ourselves and to impose its own upon us. It is also the product of the unbridled policy of the United States Administration to reject the diversity of political, economic and social systems and to pursue unilateralism.

Hence, the key to a solution of the nuclear issue is for the United States to abolish its hostile policy, respect the sovereignty of the DPRK and refrain from hindering our political, economic and social development.

The joint statement adopted at the Six-Party Talks on 19 September last year set out the objective of denuclearizing the Korean peninsula as well as the principle of mutual respect and peaceful coexistence between the United States and the DPRK.

But the United States has put in place financial sanctions against my country behind the curtain of the Six-Party Talks. This is in total defiance of the letter and spirit of the 9.19 joint statement.

We requested the United States to provide material evidence of the financial sanctions, but the United States did not do it. At first, the United States argued that the sanctions were not linked to the Six-Party Talks, but later said that this issue could be discussed at the Six-Party Talks if the talks were resumed. That is quite inconsistent.

The United States is not interested in peace and the reunification of the Korean peninsula, but interested only in pursuing its strategic purpose. Given all this, it gives rise to strong apprehension as to whether the joint statement will be properly implemented, though the talks are resumed.

It is not that we place our fate at all with the Six-Party Talks. We defend our security by ourselves. We have developed nuclear deterrence commensurate with the character of the threat against us. It is logical that the deterrence will be strengthened as long as the nuclear threat persists.

However, we will not need the deterrence if we come to judge that the nuclear threat against our country no longer exists. And if the United States demonstrates the political will to abide by the joint statement and puts it into action, we will rejoin the NPT, as has been indicated in the joint statement. We withdrew from the NPT, not because there is any problem with the NPT itself, but because the United States misused it as a tool to infringe upon our supreme interests.

The United States should withdraw the financial sanctions, which deny the joint statement and render the Six-Party Talks meaningless. This is not a precondition for resumption of the talks, but a matter of principle.

The PRESIDENT: I thank the representative of the Democratic People's Republic of Korea for his statement and for the kind words addressed to the Chair. I now give the floor to the distinguished Ambassador of Mexico, Ambassador Pablo Macedo.

Mr. MACEDO (Mexico) (translated from Spanish): Mr. President, first of all allow me to congratulate you on taking the Chair of the Conference on Disarmament and on the way in which you have been conducting our work. You may of course count on my delegation's full support. I would also like to take this opportunity to congratulate my friend the former Permanent Representative of New Zealand, Tim Caughley, and say how pleased we are that he is the new Deputy Secretary-General of this forum.

My delegation is of the view that the discussions on a treaty prohibiting fissile material (FMT) as well as the informal seminar that took place this week have been extremely useful. We also recognize the merit of the working papers presented by some delegations. Nonetheless, we cannot but point out that if we do not move beyond the present phase of reflection and discussion to a negotiating phase, the value added of all these efforts will prove inadequate to tackle the current security challenges. In this context we should not forget that our immediate goal is to arrive at an agreement on the programme of work.

For Mexico the framework for the negotiation of a treaty to ban fissile material is to be found both in the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons, which sets out the goal of elimination of nuclear weapons, as well as in its article VI, the provisions of which are binding for all States parties. We should also remember that in the year 2000, at the NPT Review Conference, the nuclear-weapon States undertook unequivocally to eliminate their nuclear arsenals totally so as to achieve nuclear disarmament. That Conference also called on this forum to begin negotiations on a non-discriminatory, multilateral and effectively verifiable treaty for the prohibition for the production of fissile material for nuclear weapons or other nuclear explosive devices. This is not an option, it is an obligation.

My delegation is of the view that the negotiation of a fissile material treaty would be an important step forward towards our goal of achieving the total elimination of nuclear weapons. However, in order to meet this objective the instrument would need to have certain characteristics. First of all it should have an effective verification mechanism that would ensure compliance, and secondly, it should cover existing stocks. We agree with the assessment that the only achievement of an instrument that does not have a verification mechanism would be to lay down a rule that might or might not be respected. We consider that the aim of the efforts called for by a multilateral negotiating exercise should be a little more ambitious. Failing this, it would be of only limited value.

Verification is an essential element of any international treaty, particularly in the field of disarmament. Without this, States parties cannot be sure that the other parties will meet their obligations. Recent cases have made clear, as the international community has recognized, that verification is extremely important. We do not see why a fissile material treaty should be an exception.

The other essential characteristic refers to existing stocks. It seems to us that a treaty that did not cover them but was merely a cut-off treaty would be just an arms control measure, not a disarmament measure. Once again we cannot but recognize that even this would have some added value. However, it would be limited. We have heard several representations pointing out that even if future production of fissile material were to be banned, existing stocks could be used

(Mr. Macedo, Mexico)

to build new weapons. Like others we consider that the only value added to be contributed by an instrument that does not cover stocks and makes no provision for verification would be to make the moratoria declared by four of the nuclear-weapon States irreversible. It would also prohibit future production by the sole nuclear State party to the NPT that has not declared any moratorium, as well as States that are outside the NPT. This would happen, of course, provided that those States ratified the fissile material treaty.

Despite the above, and in order to enable the Conference to break out of its present intolerable stalemate, Mexico would be prepared to begin negotiations with an open mind and in a constructive spirit on the basis of a non-exclusive mandate. This would enable us to tackle all the issues relating to such a treaty and find a solution to them as they arise.

The PRESIDENT: I thank the Ambassador of Mexico for his statement. I also thank him for his kind words addressed to the Chair. The next speaker on my list is the representative of the United States of America, Mr. Thomas Cynkin.

Mr. CYNKIN (United States of America): I have given copies of my statement to the secretariat and asked that it be distributed and also tabled as an official document of the Conference on Disarmament. It is a white paper on a fissile material cut-off treaty, and I should like to present it now, please.

The United States believe strongly that achieving a legally binding ban on the production of fissile material for use in nuclear weapons is a desirable goal. One way to accomplish this goal would be through the negotiation at the Conference on Disarmament in Geneva of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. We aim to conclude a fissile material cut-off treaty (FMCT) as soon as possible.

The United States has given considerable thought to what an FMCT should look like. The draft treaty that we have put forward sets forth the essentials needed for an FMCT that would meet the objective of ending expeditiously the production of fissile material for use in nuclear weapons. The basic obligation under such a treaty, effective at entry into force, would be a ban on the production of fissile material for use in nuclear weapons or other nuclear explosive devices. Stocks of already existing fissile material would be unaffected by the FMCT. The production of fissile material for non-explosive purposes, such as fuel for naval propulsion, also would be unaffected by the treaty.

The definitions set forth in the United States draft treaty on “fissile material” and “production” represent the outgrowth of the decade-long international discussion regarding what an FMCT should encompass. We believe that the definitions set forth in that text are appropriate for the purposes of an FMCT without any provision for verification.

The United States draft treaty omits verification provisions, consistent with the United States position that so-called “effective verification” of an FMCT cannot be achieved. The ability to determine compliance with a high level of confidence is a requirement for effective verification. The United States has concluded that, even with extensive verification

(Mr. Cynkin, United States of America)

mechanisms and provisions - so extensive that they could compromise the core national security interests of key signatories, and so costly that many countries would be hesitant to implement them - we still would not have high confidence in our ability to monitor compliance with an FMCT.

Furthermore, mechanisms and provisions that provide the appearance of effective verification without supplying its reality could be more dangerous than having no explicit provisions for verification. Such mechanisms and provisions could provide a false sense of security, encouraging countries to assume that, because such mechanisms and provisions existed, there would be no need for governments themselves - individually or collectively - to be wary and vigilant against possible violations.

Negotiating an international ban on the future production of fissile material for nuclear weapons will be a difficult enough task, in and of itself. Avoiding time-consuming and, we believe, futile efforts to negotiate "effective" verification measures will expedite action by the CD to conclude a legally binding ban on the production of fissile materials for nuclear weapons and nuclear explosive devices.

The United States believes that only by focusing on realistic objectives can the CD create the conditions necessary for negotiating an FMCT. The successful negotiation of an FMCT in the CD will be both a significant contribution to the global non-proliferation regime and an example of truly effective multilateralism.

The United States hopes that negotiations in Geneva on an FMCT can begin and conclude in the very near future. We also reiterate our view that, pending the conclusion of a cut-off treaty and the treaty's entry into force, all States should declare publicly and observe a moratorium on the production of fissile material for use in nuclear weapons, such as the United States has maintained since 1988.

The PRESIDENT: I thank the representative of the United States for his statement, and I now give the floor to the Ambassador of Japan, Mr. Yoshiki Mine.

Mr. MINE (Japan): I would just like to say one sentence at the beginning, that we would like, like others, to see the negotiations on an FMCT started as quickly as possible. And I also have a few remarks to make about compliance and verification without repeating what I have said previously. I think that from the beginning of this meeting, distinguished representatives of countries, and experts, have already touched more or less upon this matter, and I would like to make a few remarks about compliance and verification in response to what I have heard in this meeting.

It seems to me that there are two approaches, if I may say so. One is to deal with verification as described in one word, "verification". I am simplifying to a certain extent. I am not saying that all people have only to use the simple word "verification", one word, but to

(Mr. Mine, Japan)

illustrate the difference of the two approaches, one is to deal with verification as such, but we have to be very clear what we are talking about. Verification is complicated. I already mentioned in my previous statements that there are different kinds of situations of verification, depending on what type of ban we are thinking about.

In this sense, I would like to recall briefly the different types of ban which we envisage, that is, the ban on the future production of fissile material. In order to verify that, we need to confirm that the amount of stocks of fissile material for nuclear weapons or nuclear explosive devices has not increased from the date that an FMCT enters into force. This is one type.

Secondly, we have also touched upon the closing down and decommissioning and conversion of non-nuclear-weapon-use activities, and for this purpose, we also have to envisage a certain type of verification.

Thirdly, there is a question of how to deal with excess fissile material. We also have to envisage a certain and different type of verification, if we do that.

And fourthly, non-conversion from non-nuclear-weapon purposes to nuclear-weapon purposes.

So, I have to a certain extent just made a repetition of what I have just said previously, but depending on what type of ban we are looking at, we also have to be clear about the different types of verification. But we also have to look at not just the type of verification, but we must also be clear ourselves whether we can do that or not.

And what are the difficulties, depending on the type of verification? There certainly may be difficulties, but there may be possibilities, so what we have to do is to explore how and in what area and how far we can go. I think this is the absolutely indispensable process.

So I just wanted to register these points in the formal plenary, and finally, I would just like to add one word to that, that is, we had the pleasure of hearing the explanation of the experts from the United States two years ago, and the experts kindly explained the reason why the United States is taking that position. And as I understand, I think that we presented a number of questions, and for the very kind explanation of the United States, I think many countries, many people, including myself, have more questions than we had before. So I think this would be a certain process which might be required in the future, which would be helpful to clarify our view on these different points and different types of verification and for the facilitation of the negotiation of the FMCT.

The PRESIDENT: I thank the Ambassador of Japan for his statement. I recognize the representative of the Islamic Republic of Iran, Mr. Hamid Eslamizad.

Mr. ESLAMIZAD (Islamic Republic of Iran): On 30 March, in the course of the last plenary meeting of part I of the 2006 Conference on Disarmament session, His Excellency Dr. Manuchehr Mottaki, Minister of Foreign Affairs of the Islamic Republic of Iran, in his address to the Conference on Disarmament, stated our position about the question of fissile

(Mr. Eslamizad, Islamic Republic of Iran)

materials and said: “The question of a treaty on fissile material is of importance to us too. We, like many others, consider such a treaty as a viable step towards nuclear disarmament. However, we have serious doubts on how a treaty on fissile material could serve the nuclear disarmament cause without covering the vast stocks which could easily be used for the development of new and new types of nuclear weapons. The question of verifiability is also of crucial importance. A treaty on fissile material should be verifiable in order to be capable of creating confidence. By the term ‘verifiable’ we mean that the treaty needs to have sufficiently elaborated provisions on its verification mechanism. We believe that the best way to proceed is to remain faithful to already agreed language and specifically the Shannon report and the mandate contained therein.”

He also added immediately after that “each and every one of these four core issues [that is, nuclear disarmament, negative security assurances, the prevention of an arms race in outer space and a fissile material treaty] has proved to be of priority to a great number of member States. Any programme of work will only enjoy the consensus of the Conference when it adequately addresses all these four issues”.

This continues to be our position. I would like to have it registered as my delegation’s position in the focused deliberations we have had this week.

The PRESIDENT: I thank the representative of the Islamic Republic of Iran for his statement. I now give the floor to the representative of Australia, Mr. Russell Leslie.

Mr. LESLIE (Australia): The FMCT is intended to provide an opportunity for States to provide assurance to their fellow treaty partners that they have accepted the norm against the production of new fissile material for weapons purposes.

In the case of non-nuclear-weapon States party to the NPT which have both a comprehensive safeguards agreement and an additional protocol in force, there is an existing mechanism for providing assurance of compliance to the international community, namely, performance by IAEA of safeguards procedures under those instruments. For these States, if IAEA’s findings are satisfactory, the Agency annually publishes its conclusions that all nuclear material within the State or under its jurisdiction or control remained in peaceful nuclear activities and that there were no indications of undeclared nuclear materials or facilities within the State.

In the case of the 36 non-nuclear-weapon States that are party to the NPT that do not currently have a comprehensive safeguards agreement in force and for the 77 non-nuclear-weapon States with a comprehensive safeguards agreement but without an additional protocol in force, the FMCT would provide an additional impetus for those States to complete their necessary safeguards arrangements.

The five NPT nuclear-weapon States and the States currently outside the NPT would need to take steps to assure the international community of their compliance with the FMCT. A focused application of appropriate verification measures to those facilities that are of direct relevance to the purpose of the FMCT is what is required to deliver those assurances. There is scope for the discussion of the form and nature of the compliance monitoring that could be

(Mr. Leslie, Australia)

adopted under the FMCT for the nuclear-weapon States and the non-NPT States. But the first step is to secure the acceptance by these States of the norm against the new production of fissile material for weapons purposes. Without this commitment there can be no concept of compliance.

The necessary next steps are best taken forward in the context of our discussions on the issue of verification.

The PRESIDENT: I thank the representative of Australia for his statement, and I give the floor to the representative of South Africa, Mr. Johann Kellerman.

Mr. KELLERMAN (South Africa): Mr. President, at the outset, may I just say that my delegation certainly shares the view that you expressed this morning about the interlinkage between the issues of compliance and verification as it relates to a fissile material treaty? However, my intervention will just focus on the question of verification, which for South Africa forms a particularly important aspect of international agreements relating to disarmament, non-proliferation and arms control.

At its most basic, the act of verification essentially seeks to establish, confirm, substantiate or check the truth or accuracy of a fact or given situation. In this regard, the 1996 report of the Canberra Commission on the Elimination of Nuclear Weapons *inter alia* states that “the elimination of nuclear weapons will not be possible without the development of adequate verification”.

In the case of a legally binding agreement that will ban the production of fissile material for nuclear weapons or other nuclear explosive devices, a future fissile material treaty should therefore first and foremost result in verified assurances that fissile material is no longer being produced for use in nuclear weapons. In this regard, may I just point out that South Africa does not subscribe to the view that verification of an FMT would be unrealistic and/or ineffective?

Whatever the definition of “fissile material” that will eventually be used in an FMT, one could envisage a verification system that would include the following three elements, namely: firstly, an element to deal with facilities previously used for the production of fissile materials for nuclear explosive purposes; secondly, an element adapted to deal with weapons-grade materials that have been declared as excess and that have been placed under the supervision of an appropriate verification entity, whilst such material is still in a sensitive form; and lastly, an element to deal with material once they have been reworked into non-sensitive forms, as well as the production of materials for non-proscribed uses that may be allowed by the FMT. This element is envisaged as being similar to, or the same as, IAEA safeguards.

Given the International Atomic Energy Agency’s expertise and experience in dealing with issues of safeguards and verification, the Agency would appear to be the most logical entity to be entrusted with the task of ensuring verification in terms of a fissile material treaty. It will also be recalled that the Final Document of the 2000 NPT Review Conference reaffirmed that IAEA is the competent authority responsible for verifying and assuring compliance with

(Mr. Kellerman, South Africa)

safeguards agreements in fulfilment of article III of the NPT, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

There can be little doubt that the activities of IAEA would increase significantly in the event of the Agency being called upon to shoulder additional verification responsibilities in terms of a fissile material treaty. South Africa's working paper on the scope and requirements of a fissile material treaty acknowledges this fact, and particularly also the cost factor associated with verification activities. In this regard, interested delegations may refer to the suggestions in the paper relating to budget costs, the costs of verification and also the question of the availability of inspectors.

On the question of costs, my delegation believes that it could probably be more costly to create a new verification entity for a fissile material treaty than to utilize IAEA for verification activities. This having been said, the effectiveness of verification will undoubtedly be influenced by the costs associated with it. In fact, the effectiveness of the FMT itself will to a large extent depend on the availability of sufficient funds for verification. One could therefore argue that the willingness of States parties to provide funding for the verification of an FMT will be a real test of its practical effect.

In closing, a fissile material treaty that contains effective mechanisms for verification would complement efforts that are already in place for the detection of clandestine nuclear weapons production. It could also facilitate the building of confidence with respect to those States possessing nuclear weapons or stocks of fissile material in the form of declarations made by such States. In addition, effective verification could enhance the credibility of nuclear arms reduction measures. In our view it is therefore essential that the verification aspect within the FMT context should be given the due and undoubtedly serious consideration that it deserves.

The PRESIDENT: I thank the representative of South Africa for his statement. I would like to remind you that the floor is still open if there is any other delegation that would like to take the floor at this stage. Apparently, that is not the case. So this concludes the list of speakers for today.

Given the circumstances, we are considering whether there will be a formal plenary in the afternoon. Let me urge delegations that would like to take the floor in a formal setting in the afternoon to let us know before the end of this morning's plenary session. If there is anything this President hates, it is to convene meetings where nothing happens. So I hesitate to announce that the next plenary meeting will convene at 3 p.m. today. I am not announcing it for the time being, but there is the possibility. We are waiting for your advice.

I am now going to adjourn the plenary meeting and to convene an informal plenary meeting on the same issues we have been discussing in 10 minutes. As usual, the informal meeting will be open to the members of the Conference, observer States and experts who are part of their delegations.

The meeting rose at 11 a.m.