CONFERENCE ON DISARMAMENT

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

Held at the Palais des Nations, Geneva,
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President: Mr. Valery LOSHCHININ (Russian Federation)

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The PRESIDENT (translated from Russian): I call to order the 1029th plenary meeting of the Conference on Disarmament. At the outset, I should like to extend a warm welcome on behalf of the Conference on Disarmament to the Minister for Foreign Affairs of the Union of Myanmar, His Excellency Mr. Nyan Win, who will be addressing the Conference today. I give you the floor, Sir.

Mr. WIN (Myanmar): Mr. President, this is the first time that I address this august forum, and it is an honour for me to do so. Let me first congratulate you on assuming the presidency of this important forum. I also commend you and your colleagues from P6 for your initiatives in leading the 2006 session of the Conference on Disarmament. I am hopeful that your collective leadership will bring tangible results that will enable us to move forward.

My delegation joins others in expressing our appreciation to Secretary-General Kofi Annan for his important address in this forum yesterday. While recognizing the depth of the difficulty that the Conference was facing in settling long-standing differences, he noted that the Conference appeared much readier than it had been in recent years to make a contribution and urged us to rise to the task. The Conference must respond to his expectation with significant results.

Myanmar was a founding member of the Eighteen-Nation Disarmament Committee (ENDC) established in 1962. Myanmar has continued to be a member of the successive bodies, the latest being this forum. Myanmar is always proud to be a member of these forums and attaches great importance to their noble objective, to promote world peace and security.

The achievements of the CD and its predecessors are not insignificant. We already have in hand a number of very important international legal instruments on disarmament, such as the NPT, the BWC, the CTBT and the CWC, which have made our world a lot safer. However, we still have a long way to go to reach our goal of the total elimination of nuclear weapons and the establishment of a nuclear-weapon-free world.

Nuclear disarmament remains the highest priority on the international agenda of arms control and disarmament. This has also been our consistent policy. We do perceive that the continued existence of nuclear weapons poses a grave danger to mankind. Myanmar firmly believes that the only effective defence against nuclear catastrophe is the total elimination of these weapons.

In this connection, I wish to mention Myanmar's efforts towards nuclear disarmament. Myanmar, with the support of many countries in the Non-Aligned Movement, tabled for the first time a resolution on nuclear disarmament in the First Committee of the United Nations General Assembly in 1995, and it was adopted. At the successive United Nations General Assembly sessions since then, the resolution on nuclear disarmament has been tabled again and adopted. Resolution 60/70 entitled "Nuclear disarmament", adopted by the sixtieth session of the United Nations General Assembly last year, inter alia, recognizes that

(Mr. Win, Myanmar)

there now exist conditions for the establishment of a world free of nuclear weapons. Myanmar firmly believes that this goal can be achieved through concrete practical steps stemming from genuine political will on the part of all of us. In this regard, Myanmar would like to see an ad hoc committee on nuclear disarmament established, as the highest priority, by the CD.

Myanmar has consistently maintained that the two processes of nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, and that these two processes must go hand in hand in a sustainable, balanced, coherent and effective manner. Nuclear disarmament and nuclear non-proliferation are not just bilateral or regional issues. These are global issues affecting all of us. These issues cannot be solved by one nation alone or by a group of nations. It is the task of the international community as a whole to face these challenges and find ways and means to overcome them.

Myanmar is a State party to the Nuclear Non-Proliferation Treaty (NPT), which is the essential foundation for the pursuit of nuclear disarmament. Myanmar encourages every nation to join this important treaty.

Myanmar also shares the view that the establishment of nuclear-weapon-free zones is a positive step towards attaining the objective of nuclear disarmament. Myanmar has been a party to the South-East Asia Nuclear-Weapon-Free Zone since 1995. Myanmar also welcomes the unilateral measures taken by the nuclear-weapon States for nuclear arms limitation, and encourages them to take further steps in this regard.

I should now like to emphasize the importance of the prevention of an arms race in outer space. Myanmar considers that outer space and other celestial bodies are the common heritage of mankind. The exploration and use of outer space and other celestial bodies should be carried out only for peaceful purposes for the benefit of mankind and in the interest of all countries, irrespective of their degree of economic and scientific development. The consequences of placing weapons in this last frontier can be destructive. The stationing of weapons in outer space would lead to an arms race in outer space and to the proliferation of other weapons, and would bring ongoing arms control and disarmament efforts to naught. Therefore, Myanmar wishes to call upon all States, in particular those with major space capabilities, to contribute effectively towards the attainment of the objectives of the peaceful use of outer space and of the prevention of an arms race in outer space. Myanmar supports the efforts of the CD in this regard and the initiative of the Russian Federation and China to elaborate a legally binding instrument on the prevention of an arms race in outer space and on the threat or use of force against outer space objects.

Small arms and light weapons represent a massive problem for the international community, killing, maiming and threatening men, women and children every day. They cause human misery and suffering, destabilize States and entire regions and hamper their political, economic and social development. Combating the proliferation of such weapons is a long-term challenge. Myanmar already has put in place a number of legal instruments concerning firearms covering the manufacture, sale, possession, storage, transportation, importation and exportation

(Mr. Win, Myanmar)

of these weapons. Myanmar acceded to the United Nations Convention against Transnational Organized Crime and its two protocols in 2004. Myanmar is also a State party to 10 conventions and a signatory to 1 convention on terrorism. Myanmar is a member of INTERPOL and ASEANPOL. Regionally, Myanmar has been cooperating with ASEAN member countries in the fight against small arms and light weapons.

Myanmar reaffirms the importance of the CD as the single multilateral disarmament negotiating forum. However, Myanmar is concerned at its failure to reach agreement on the programme of work on substantive issues. As I stated at the beginning of my statement, this forum and its predecessors have produced very important results significantly benefiting mankind. We must prove that we are also capable of achieving our common objective of building a nuclear-weapon-free world.

In conclusion, Myanmar commends all Presidents for their efforts in shaping this year's deliberations by conducting focused structured debates with a view to bringing us closer to achieving consensus on a programme of work. We must redouble our efforts to overcome the challenges we are confronting. We must renew our commitment to multilateralism as an important means of pursuing and achieving our common objectives in the field of disarmament and our determination to further promote multilateralism in this respect. Myanmar urges all concerned countries to exercise their political will to overcome this stalemate, with a view to reaching agreement in the near future. We must prove that we are capable of carrying out our mandate. Myanmar earnestly hopes that we can move forward at the end of the day.

The PRESIDENT (translated from Russian): I thank the Minister for Foreign Affairs of Myanmar for his address and for the kind words addressed to the Chair. We shall now suspend our work for five minutes so that I may escort the Minister for Foreign Affairs of Myanmar out of the Council chamber. The meeting is suspended for five minutes.

The meeting was suspended at 10.25 a.m. and resumed at 10.30 a.m.

The PRESIDENT (translated from Russian): Let us continue our work. The 1029th meeting of the Conference on Disarmament is resumed. Today, the Conference will continue its consideration, in a focused structured debate, of agenda item 5, entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons". China, Norway, India, Switzerland, France and the United States are on the list of speakers. Some speakers intend to make general statements both on agenda item 5 and on PAROS. I give the floor to the representative of China, Mr. Li Yang. You have the floor, Sir.

Mr. LI (China) (translated from Chinese): Mr. President, last week we had useful discussions on outer space issues. The discussions showed growing agreement among all sides on the issue of the prevention of the weaponization of, and an arms race in, outer space and demonstrated increasingly detailed and practical attention to specific aspects of the issue. This has been achieved thanks to your excellent guidance and commendable efforts, which the Chinese delegation highly appreciates.

(Mr. Li, China)

The issue of "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" has been a constant item on the agenda of the Conference on Disarmament and all parties have already been discussing the question of radiological weapons for several decades. Over the period first from 1980 to 1984 and then from 1990 to 1992, ad hoc committees were set up by the Conference to conduct discussions on the item. I would like to take this opportunity to state once again China's position on the issue of radiological weapons and our efforts in this regard.

The Chinese Government attaches great importance to the protection of nuclear materials and has promulgated such legislative provisions as regulations on the control of nuclear exports and on the control of nuclear dual-use items and related technology. These regulations and their corresponding control lists set in place a rigorous inspection and approval system for the export of all nuclear-related items and technologies and lay down severe penalties for infractions of the regulations. China supports the efforts by the International Atomic Energy Agency (IAEA) to prevent potential nuclear terrorism and has actively participated in the process to amend the Convention on the Physical Protection of Nuclear Material. It strictly abides by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. We also welcome the efforts of other international and regional organizations in this regard.

China supports continued discussion in the Conference on Disarmament on the issue of radiological weapons, including consideration of the definition of radiological weapons; an undertaking by all countries not to develop, produce, stockpile or use any radiological weapons and not to attack nuclear facilities; guarding against the illegal transfer of radiological materials; and preventing the use of radiological materials by non-State actors. At the same time, it is imperative that all countries enact and promulgate corresponding laws and regulations and strengthen their control of radiological materials. The Chinese delegation is willing to continue to exchange views and to pursue detailed discussions with all parties on the above issue and any other associated matter.

We have taken note of the proposal by the French and Swiss delegations on the issue of critical civilian infrastructure and intend to study the proposal carefully.

The PRESIDENT (translated from Russian): Thank you. I now give the floor to Mr. Kjetil Paulsen, Deputy Permanent Representative of Norway. You have the floor, Sir.

Mr. PAULSEN (Norway): I am going to speak on a topic indirectly linked to item 5 of the agenda.

The minimization of the use of highly enriched uranium (HEU) in the civilian nuclear sector can greatly reduce the risk of nuclear terrorism. Conversion of nuclear reactors to the use of low-enriched uranium (LEU) has, in addition, an important nuclear disarmament dimension, since such a process will reduce the overall amount of weapon-grade fissile material available.

(Mr. Paulsen, Norway)

Against this background the Norwegian Government, in cooperation with IAEA, organized an international symposium in Oslo earlier this week on the minimization of the use of HEU in the civilian nuclear sector. Some 130 experts and diplomats from 45 countries took part in the event. These are some highlights:

The conversion of research reactors to the use of LEU fuel is an ongoing process in several countries, including Chile, Argentina, the United States, South Africa, Japan and others. It is generally recognized that such conversions normally can take place without significant loss of capability or performance.

Efforts towards HEU minimization should not, and need not, curtail the inalienable right to the peaceful use of nuclear technology as enshrined in the NPT.

Outside the scope of the symposium, it was noted that the largest quantities of HEU are currently in military uses and outside international safeguards. Consequently, in an overall HEU perspective one must also address the question of a treaty banning the production of fissile material for nuclear weapons purposes.

Some participants pointed to the fact that security risks are posed also by plutonium and other materials, and expressed the view that the use of these materials should be discussed further by the international community.

It was underlined that a non-discriminatory approach is necessary when dealing with the HEU minimization issue, taking into account technological, economic and commercial constraints. Most efforts are, however, required by some nuclear-weapon States since they possess the majority of HEU-fuelled civilian nuclear reactors.

The need for more rapid repatriation, based on contractual agreement, of both used and unused HEU fuel to the countries of origin for downblending and reuse was emphasized, and supplier countries were encouraged to accept such returns.

The positive contribution of IAEA in response to member States' requests to convert their nuclear facilities was noted and appreciated. Some called for an even more active and stronger role on the part of the Agency in this regard.

The expectation was expressed by many that the question of HEU minimization should be explored further in the relevant international forums, including IAEA. Some noted that HEU minimization efforts are to be considered as confidence-building measures that could play a positive role in the upcoming preparatory process for the NPT Review Conference in 2010.

The HEU symposium in Oslo was divided into two parts, a technical part for experts and a policy part. I was struck by the fact that the experts from a variety of countries and also the private sector had an extraordinary businesslike exchange of experience and best practices. This truly facilitated the more policy-oriented discussions. When experts, by and large, agree that something is doable it is difficult for diplomats and policy-makers to ignore, though sometimes we do that anyway.

The PRESIDENT (translated from Russian): Thank you. I now give the floor to the Ambassador of India, Mr. Prasad. You have the floor, Mr. Ambassador.

Mr. PRASAD (India): Mr. President, I would like to compliment you on the excellent organization and exemplary conduct of the structured discussions last week on the prevention of an arms race in outer space. They effectively highlighted the likely consequences of any threat to the security of space-based assets. They also focused on the steps required to ensure that peaceful applications of outer space, whether civilian or military, are not imperilled and to avoid a situation that could lead to an arms race in outer space.

As we take up consideration of yet another item on our agenda this week, we hope that our present discussions in the Conference will enable us to evolve consensus on its programme of work and begin substantive work, keeping in view the concerns and priorities of all the member States. Since the subject for today's discussion - new types of weapons of mass destruction - has broad coverage, I am going to confine my remarks to radiological weapons.

Over recent years, we have become painfully aware of the growing terrorist threat to our security. Using conventional explosives, including improvised explosive devices, terrorists have wreaked havoc in our societies. We can well imagine the consequences if they were to access and use weapons of mass destruction. This is no longer an imaginary threat, but a looming possibility today. Terrorist organizations have expressed interest in and have made determined efforts to acquire materials and technology for weapons of mass destruction. Were they to succeed in acquiring biological agents or toxic chemicals or fissile materials, there is little doubt that they would try to build weapons, which they would not hesitate to use in order to cause terror and destruction.

Aware of this danger, the international community has resolved to prevent terrorists from acquiring weapons of mass destruction. The General Assembly has adopted, by consensus, since its fifty-seventh session in 2002, the resolution on "Measures to prevent terrorists from acquiring weapons of mass destruction" tabled by India and co-sponsored by a growing number of States members of the Conference. Again by consensus, the Security Council adopted resolution 1540 in 2004. This criminalizes the proliferation by and to non-State actors of nuclear, chemical and biological weapons and their means of delivery. It has spurred several States to take new measures or to strengthen the existing measures to effectively prevent terrorists from acquiring weapons of mass destruction.

Last year, the United Nations General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism. Article 2 of the Convention provides that it is an offence if a person unlawfully and intentionally possesses radioactive material or makes or possesses a device with the intent to cause death or serious bodily injury or to cause substantial damage to property or to the environment. The Convention enjoins the States parties to adopt measures to establish as criminal acts the offences set forth in the Convention and mandates prosecution or extradition of individuals who commit offences within the meaning of the Convention.

(Mr. Prasad, India)

While terrorists gaining access to fissile material for building and using a crude nuclear device remains a distinct prospect, an even more alarming and, perhaps, a more likely possibility is that of a terrorist using a dirty bomb or a radiological dispersion device. This can both kill and spread panic and terror, disrupting civic life and causing economic dislocation.

The international community has recognized the need to protect and secure radiological materials because of the increasing global concern that terrorists could use them. The International Atomic Energy Agency has buttressed its preventive activities in helping States improve the regulatory framework for nuclear security. The Convention on the Physical Protection of Nuclear Material has been broadened and strengthened, as also the Code of Conduct on the Safety and Security of Radioactive Sources. India actively participated in the exercise last year to amend and strengthen the Convention on physical protection. India has also participated in the Regional Radiological Security Initiative and has been conducting courses in India on a regular basis on this subject. The courses are under the aegis of IAEA and focus on issues related to the security of radiological sources and materials and locating orphan radioactive sources in countries that are unable to effectively deal with them and that seek IAEA assistance for the purpose.

While fully supportive of the steps taken by IAEA, the Conference needs also to keep the issue of radiological weapons under active consideration. The last time the Conference gave this matter serious thought was in the summer of 2002, when the German presidency initiated fresh discussions on the subject against the backdrop of emerging threats, especially the possibility that a “dirty bomb” could become a terrorist’s weapon of choice. The issue of radiological weapons has been on the agenda of the Conference since 1979, following the call by the General Assembly the previous year for a convention preventing their development, production, stockpiling and use. The issue was considered in working groups for three years, from 1980 to 1983 and in Ad Hoc Committees during 1984-1992.

While it is unlikely that any State would resort to developing, producing and using radiological weapons, the threat of their use by terrorists is now well recognized, and we see merit in the Conference reaching an understanding on banning radiological weapons and forswearing the development of such weapons in the future. Such a step would supplement the ongoing national and international efforts, including CBMs, for ensuring effective protection and control over radioactive materials and preventing terrorists from gaining access to them.

India is prepared to engage in exploring the most effective way in which the Conference can contribute to and reinforce the efforts already being undertaken by other bodies to address the issues associated with the threat of radiological weapons.

The PRESIDENT (translated from Russian): Thank you, Mr. Ambassador. I now give the floor to the Ambassador of Switzerland, Mr. Streuli. You have the floor, Sir.

Mr. STREULI (Switzerland) (translated from French): Mr. President, before the end of your term in office, which will have been closely linked to the subject of PAROS, my country would like to share some thoughts with you on this matter. Space security is a subject of growing importance, not only for the major States but also for countries like Switzerland. All

(Mr. Streuli, Switzerland)

States are increasingly dependent on space, and this medium now takes the form of a sort of critical infrastructure like transport networks, energy supplies and so on. In 2005, in order to highlight the importance it attaches to stability and security in space, Switzerland supported the two United Nations General Assembly resolutions on transparency and confidence-building measures (60/66) and PAROS (60/54).

If we are to set ourselves the objective of preventing weapons from being placed in space or aimed into space, then intermediate stages towards such an objective are now required, given the different approaches adopted by States towards the strengthening of space security. Accordingly, the idea of addressing the issue of confidence-building and security-building measures seem to us to be a move in the right direction and warrants further consideration. Furthermore, Switzerland believes that since a very large number of space applications are dual-purpose, that is, both civilian and military, the idea of greater interaction between the CD and COPUOS should be examined in greater detail. Subjects addressed by COPUOS indeed directly concern the CD, such as space debris - since any attack in space or any weapons test inevitably generates space debris - for which this Committee is in the process of developing guidelines. In any event, the issue of space security constitutes a whole and cannot easily be separated into strictly military considerations and strictly civilian considerations. Switzerland hopes that the structured debate on PAROS will continue in the context of the CD.

The PRESIDENT (translated from Russian): Thank you, Mr. Ambassador, for your statement, and now I give the floor to the representative of France, Mr. Jean-Philippe Grelot. You have the floor.

Mr. GRELOT (France) (translated from French): Thank you for welcoming me for this presentation, which forms part of the Franco-Swiss initiative on critical infrastructure.

It was in the middle of the 1990s that a number of countries embarked on consideration of this question of critical infrastructure. At that time the spectre of the cold war and its strictly military threats was fading from the European sky. Public demands for security were focusing on other risks - natural disasters, technological accidents, disruption linked to major social movements. Around the world, massive power failures had occurred as a result of freezing, exceptional flooding, explosions in chemical plants or a major accident in a nuclear plant.

It was realized that the functioning of society depended on a few elements of major infrastructure. It was noted that this infrastructure was interdependent and offered little room for substitution in the event of breakdown. Efforts to prepare computers to handle the “millennium bug” revealed the key role played by information systems in its operation.

The attacks on 11 September 2001 in New York and Washington, 11 March 2004 in Madrid and 7 July 2005 in London first struck the civilian population. They also hit economic and political centres in the first case, public transport networks in the second, showing the disruption that terrorist acts could cause to infrastructure. One could imagine the consequences of such attacks if they were perpetrated anywhere in the world using weapons of mass destruction.

(Mr. Grelot, France)

Over the last 30 months we have seen again how each earthquake, each cyclone, each tsunami destroys infrastructure in the field of telecommunications, energy distribution, transport and health care. The ability to assess the situation, provide relief and help the victims are correspondingly reduced.

Lastly, all the countries which, at the invitation of the World Health Organization, have drawn up plans to combat a bird flu pandemic over the last two years have had to deal with two major topics: on the one hand, protection of the population, and on the other, in the weeks or months while the epidemic was prevalent, continuity in essential activities, which are frequently dependent on critical infrastructure.

The challenge is to meet the demand for security and protection for the population not just when a crisis occurs, but in depth and over time. In this movement, critical infrastructure has come to the fore in consideration of the issues of crisis prevention and management, whether the crisis is due to a natural disaster, an accident, a malicious act or an attack.

This is an issue which does not merely affect each State individually, with its legitimate concern for the well-being of its population and the proper functioning of its economy. It affects the international community.

A first reason for this is that in States whose economy or government is fragile, a serious attack on critical infrastructure will not merely take a human and financial toll; it could weaken political institutions and cause instability or even disturbances which may be of varying gravity or length.

A second reason stems from the different nature of those involved: government on the one hand, businesses on the other. A State with its borders which limit the areas in which its services operate, corporations which are frequently multinational and whose actions are dictated by a logic which does not always acknowledge any concept of national duty.

A third reason arises from the geographical extent of some infrastructure and its areas of influence. It may cross borders as in the case of bridges or tunnels, it may be regional as with networks that carry electricity, oil or gas, or global as in the case of air transport or particularly the Internet.

A fourth factor is that crises, like globalization, have made borders evaporate. The international media bring the slightest accident or government decision to the attention of the entire world. Every reaction to a threat or major crisis leads a State to engage in coordination with its neighbours, with its allies and its partners, with major international organizations. Each one draws conclusions with respect to its own situation.

A fifth reason in the case of deliberate acts is to be found in the instruments which international law has devised to deter aggression, protect certain infrastructure and prosecute aggressors.

(Mr. Grelot, France)

A sixth reason might be the international definition of a list of critical infrastructure. Such a list does not exist, although approaches are converging on the main areas to be covered. For instance, the European Commission, in its recent Green Paper on a European Programme for Critical Infrastructure Protection, drew up a list of 37 elements of infrastructure grouped in 11 sectors. These sectors are energy, information and communication technologies, water, food, health, the financial sector, public and legal order and safety, civil administration, transport, the chemical and nuclear industry, space and research.

In France, as early as 1958, a law was adopted for the protection of facilities of vital importance. It covered establishments, installations and facilities whose failure to perform their normal function might significantly reduce the nation's war-making or economic potential, security or capacity to survive. Also covered were facilities listed for environmental protection purposes, the destruction of or damage to which would entail a serious threat to the population.

Taking these two dimensions of activity on the one hand, and protection of the population on the other, but adapting their scope to the current expectations of the population in terms of comprehensive security, a new law in February 2006 defined the concept of "sectors of activity of vital importance", a term preferred to that of critical infrastructure or vital infrastructure.

Sectors of activity of vital importance consist of activities in pursuit of a single objective: activities linked to the production and distribution of essential goods or services where such activities are hard to replace, or activities which may constitute a serious threat to the population.

Whether or not they are essential is judged in terms of meeting essential needs for the life of the population, the exercise of State authority, the functioning of the economy, the maintenance of the nation's defence potential or security.

A list of 12 sectors of activity has just been drawn up: civil activities of the State, judicial activities, military activities, food, electronic communications, audio, visual and information, energy, space and research, finance, water management, industry, health and transport. Within a given sector, subsectors and security missions or issues are identified. The food sector, for example, brings together the key food industries, i.e. production of staple food products, distribution of food products and monitoring of compliance with health standards. The main security issue is food hygiene for food products distributed. The health sector covers health monitoring and surveillance, analysis and diagnosis, organization of care and treatment of patients, health products. The missions of these subsectors are to anticipate, monitor, warn and assess health risks, provide urgent medical assistance and organize reception and care for victims, produce, assess, stock and distribute health products.

These criteria are then used to analyse systems of production of goods and services, which makes it possible to identify operators and means of production. This leads to the identification of vital infrastructure with the grounds for the selection explained.

(Mr. Grelot, France)

Threat scenarios are defined for each sector of activity and then taken into account for a risk analysis. A national security guideline based on this analysis sets out scheduled graduated measures in the fields of monitoring, prevention, protection and response to any threat, including terrorist threats.

In keeping with the guideline in a given sector, each operator of vital importance draws up a security plan, the purpose of which is to define general policy for the protection of the operator's facilities, including those organized in networks. The plan includes standing measures, constituting basic protection or the "permanent security posture", as well as graduated measures for use in the event of an alert transmitted by the authorities.

The operator identifies key points within its system and submits them to the government for listing as points of vital importance. For each point the operator prepares an internal protection plan, which derives from its operator's plan and is therefore consistent with the national security guideline for the sector in question.

This plan includes standing measures of protection and graduated measures for temporary application which constitute the local implementation of the corresponding measures in the operator's security plan.

Through this arrangement, the State and the operators are closely linked. The State identifies the sectors of activity, draws up national security guidelines and establishes plans for external protection of points of vital importance. Each operator prepares its security plan, selects its points of vital importance and draws up its plan for internal protection.

By virtue of the legal basis used, all the guidelines and plans are focused on protection, i.e. essentially on limiting the impacts of a threat, a malicious act or an accident. Only indirectly do they deal with continuity in activities, insofar as continuity has been used as an organizational criterion whereby vulnerabilities can be reduced.

In contrast, this theme of continuity was fully reflected in the preparation of a government plan to prevent and combat the flu pandemic, which came into force in January 2006. It was the subject of a cooperative approach between the State and the operators in the sectors of vital importance, both having a common interest in maintaining the various social and economic activities to the greatest extent possible throughout any pandemic phase that may be declared.

Let me complement this methodological approach to the French case with a functional approach. The task of structuring this area is the responsibility of the State, though this should not prevent it from discussing the matter with operators. As guarantor of the public interest, the State has a right to identify sectors of activity which are of vital importance or critical infrastructure which provides services that are essential to the life of all the components of the population. From one country to another, from one region of the globe to another, their perimeter will vary depending on social traditions, the organization of the State, the size of the territory, political choices.

(Mr. Grelot, France)

We have seen, through the French methodological approach, how planning was developed. Let us now look at five key functions of crisis management: deterrence, prevention, monitoring, protection and response.

Deterrence, which applies only to malicious acts but not to natural or accidental risks, is intended to enhance the risk for the aggressor and to reduce the potential benefit from the aggressor's activities. This is effected by a means of a system of sanctions, which is internationally acknowledged as soon as the zone of influence of an element of infrastructure extends beyond the country's borders, or where attacks may be prepared and carried out from abroad.

In this respect let me emphasize the importance of the United Nations anti-terrorist conventions: 6 of these 13 conventions (the 4 dealing with air transport and the 2 dealing with shipping and offshore platforms) directly relate to efforts to curb terrorist acts against vital elements of infrastructure. In the same area I might also mention the Council of Europe's convention on cybercrime.

Second key function: the aim of prevention is to reduce vulnerability in a structural or ad hoc manner in dealing with the whole range of risks. It takes the form of organizational measures for example, the dispersion rather than the concentration of facilities, or built-in redundancy, as well as technical measures to reduce exposure to risk. In the face of malicious attacks, one might also mention intelligence, seeking to identify and neutralize the potential aggressor before an act is committed.

To a certain extent, international treaties regulating the law of armed conflict contribute to the prevention of attacks on vital infrastructure: the Hague Conventions on the rules of war, the Convention for the Protection of Cultural Property, the additional protocols to the Geneva Conventions on the lawfulness of the use of weapons and the protection of sites and installations.

Monitoring, the third key factor, is intended to detect, identify and prompt an alert as soon as possible in the event of an incident or a disruptive event. In major organizations it is the responsibility of a permanent unit grouping operational divisions with the functional chains of security, human resources and communications.

The monitoring unit constitutes the core of the crisis response centre as soon as the alert threshold is reached. Monitoring units work frequently in geographical or thematic networks with redundant communication channels that are able to resist the disruption which immediately affects public telecommunications networks in times of crisis. Their responsiveness is particularly decisive in the event of attacks against computer networks, which have the ability to spread all over the world almost instantly.

Here too, international legal instruments are of major assistance: among the United Nations anti-terrorist conventions, I would mention here the Convention on the Marking of Plastic Explosives for the Purpose of Identification, given that explosives are widely used

(Mr. Grelot, France)

nowadays to destroy critical installations. Unfortunately the Convention does not cover homemade explosives, which are now frequently used; attempts to make such explosives could be detected on the basis of chemical precursors. Here is a topic which could usefully be studied in depth as a part of work on critical infrastructure.

Protection, the fourth key function of crisis management, mobilizes resources to contain attacks and limit their effects. It consists of permanent measures and temporary measures, graduated in the light of the risk or threat arising.

Response, the last key function, consists of several components: neutralization of the attack, assistance to victims, reduction of the level of activity, repair and restoration of the previous system.

These provisions are not set in stone. They draw on revised studies, lessons learned from real events and exercises, definitions and the exchange of good practice. International forums are an essential means of making progress in these complex matters, by which, intentionally or not, States are bound together. We see in such forums in particular the growth of technical cooperation, but also the legal standards necessary to address the new dimension supplied by critical infrastructure, whose fundamental purpose, we may usefully recall, is to provide the goods and services which are vital to the life of the population and society.

The PRESIDENT (translated from Russian): Thank you. I now give the floor to the representative of the United States of America, Mr. Thomas Cynkin. You have the floor, Sir.

Mr. CYNKIN (United States of America): My delegation takes the floor to discuss the threat that access by terrorists or their facilitators to weapons of mass destruction poses to international peace and security.

In the nearly 60 years since the 1948 definition of WMD was set forth, no new types of WMD have appeared on the horizon. The idea of new types of WMD (beyond biological, chemical, nuclear, and radiological) remains entirely hypothetical. Thus, no useful purpose is served by diverting the attention and efforts of the international community toward hypotheses when there are very grave and current threats to international security, such as terrorist acquisition and use of existing types of WMD.

The eleventh of September 2001 contributed to the realization that terrorists carrying out attacks could do so with ever more destructive weapons. Since 9/11, the United States and the international community have taken important steps to combat terrorists who seek to acquire and use chemical, biological, radiological, and nuclear weapons against innocent civilians.

The United States released its first comprehensive National Strategy to Combat Weapons of Mass Destruction (WMD) in December 2002. In April 2004, the United Nations Security Council, acting under Chapter VII of the United Nations Charter, adopted resolution 1540. This resolution has become an international cornerstone on WMD proliferation and its nexus with

(Mr. Cynkin, United States of America)

terrorism because it imposes important legal obligations on States to deal with this threat. Again acting under Chapter VII, the Security Council on 27 April adopted resolution 1673, and that resolution renewed the 1540 Committee for two years, and re-emphasized the requirements of 1540 and the need for States to implement their 1540 obligations.

The international community now has before it the common task of building on that framework through the development of a global defence against WMD terrorism. Requiring States to enact appropriate laws is only the first step. Success in stopping illicit behaviour comes only if States are willing and able to enforce their own laws. We know well that, often, enforcement neither reaches where the terrorists reside, nor is carried out in a manner sufficient to deter them. In the fight against WMD and terrorism, Governments must work with partner nations to back the objectives of, and steps taken under, resolution 1540 with effective, integrated, and sustainable capabilities. Only then can we succeed in preventing, protecting against, and responding to this growing global risk.

United Nations Security Council resolution 1540 affirmed that the proliferation of WMD, including to terrorists, threatens international peace and security. Because resolution 1540 was adopted under Chapter VII of the United Nations Charter, it should play a growing role in encouraging national capacity-building to combat WMD and terrorism. The resolution mandates that: "… all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery". Resolution 1540 also requires all States to "adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery".

The United States continues to view the implementation of resolution 1540 as a vital element in the global effort to prevent WMD proliferation and keep these deadly weapons out of the hands of terrorists. WMD in terrorist hands is one of the pre-eminent threats to all nations, and terrorist groups continue to seek these deadly weapons. By fully implementing resolution 1540, all United Nations Member States can help ensure that neither they nor non-State actors under the jurisdiction are a source of WMD proliferation for terrorists.

While important in its own right, resolution 1540 is one counter-proliferation step in a larger effort to strengthen the international framework to combat WMD terrorism. For example, in 2001, the United Nations Security Council adopted resolution 1373, which obliges States to take additional steps to combat the threat of international terrorism, and specifically acknowledged "the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials". Both resolutions 1373 and 1540 established committees to monitor their implementation. These committees can match donors with States requiring assistance in meeting their international obligations. For its part, the

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United States is working on it own outreach plan to determine what assistance we can provide to help States undertake the full implementation of United Nations Security Council resolution 1540. We encourage other donor Governments to do likewise, and we encourage those States not yet meeting the requirements of resolution 1540 to work with the 1540 Committee, the donors and with one another to enact and enforce strong export control laws.

The development of an international framework to combat WMD terrorism continued in 2005 with the adoption of the Nuclear Terrorism Convention in April, and the adoption of an amendment to the Convention on the Physical Protection of Nuclear Material in July. The legal basis for international cooperation to prevent and suppress acts of nuclear terrorism will be strengthened significantly, once the Nuclear Terrorism Convention and the CPPNM amendment have entered into force.

Despite all of these accomplishments, a careful review reveals gaps that continue to exist in the international framework against WMD terrorism. For example, there is a priority need to secure entry into force, as well as full national implementation, of the Nuclear Terrorism Convention and the CPPNM amendment. We should not, however, remain content with the growing criminalization of acts of WMD terrorism, the focus of both the Nuclear Terrorism Convention and the International Convention for the Suppression of Terrorist Bombings. Criminalization forms but one element in a comprehensive legal strategy for deterring terrorists and their facilitators from planning, preparing, and carrying out attacks involving WMD. International legal consensus traditionally has prohibited imposing criminal penalties on unwitting facilitators of terrorism, pointing to the time-honoured tradition of mens rea, or the guilty mind requirement. However, civil and administrative penalties, as well as the possible establishment of liability, where appropriate, could fill this gap, and prevent and deter unwitting facilitators in the public and private sector from engaging in high-risk activity that contributes to the proliferation of WMD to terrorists.

While international frameworks, both legal and political, are a starting point, a systematic approach to combating WMD terrorism begins by recognizing that the increasingly decentralized nature of terrorist and terrorist facilitation networks demands a cooperative and global response from a growing range of like-minded nations. Governments must work with partner nations and international organizations to develop a global “defence in depth” approach against this threat.

What does this mean? A defence in depth, or layered defence, is a strategic concept employed in a diverse range of security-related fields. Its central premise, applicable to combating WMD terrorism, is that no single layer or capability can provide us with sufficient protection against a determined, ever-adapting terrorist adversary. However, a terrorist or a terrorist facilitator who has to overcome multiple defences in the course of his attack plan is more likely to be detected or deterred, or to fail during the attempt. Our common challenge is to improve our national defences to add new layers in such a way as to defeat terrorists employing novel tactics or seeking to exploit vulnerabilities. A well-functioning defence-in-depth approach should focus not merely on determining terrorist intentions and capabilities, but also on developing targeted strategies to shut down the ability of terrorist organizations to acquire and use WMD.

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A defence-in-depth approach must consist not only of laws and regulations effectively implemented and enforced, but also a broad range of systems, tools, procedures, algorithms, and other innovative capabilities. These capabilities, in concert with the right legal framework, enable law enforcement, military, first responders, and other security officials to take rapid action to prevent, protect against, and respond to the threat or use of WMD by terrorists. A global defence approach against WMD terrorism, unfortunately, will take years to develop, and its successful integration will require extensive cross-border information sharing, R and D and technical cooperation, the sharing of legal and regulatory "best practices", and regular training and exercising in joint and combined formats to identify and fix gaps or weaknesses in our collective defences.

The disciplines involved in combating WMD terrorism will require international cooperation across the full spectrum of partner government agencies, including, but not limited to, Ministries of Foreign Affairs, Defence, Interior, Finance, Science and Technology, Energy, Health, Environment, and Commerce, as well as related regulatory, intelligence, and law enforcement agencies. America's way forward is described primarily in the United States National Strategy to Combat Weapons of Mass Destruction, which we released in 2002. It says: "One of the most difficult challenges we face is to prevent, deter, and defend against the acquisition and use of WMD by terrorist groups. The current and potential future linkages between terrorist groups and State sponsors of terrorism are particularly dangerous and require priority attention. The full range of counter-proliferation, non-proliferation, and consequence management measures must be brought to bear against the WMD terrorist threat, just as they are against the States of greatest proliferation concern."

The United States charts this course with the benefit of lessons learned from some important successes achieved in recent years. The Proliferation Security Initiative (PSI), announced in 2003, provides an example of how States can work together in a post-9/11 environment to achieve important objectives regarding today's most urgent threats. Consisting of a global partnership of more than 75 countries from all regions of the world, PSI has led to a significant improvement in our collective interdiction capabilities by employing the full range of national assets to the development of flexible operational concepts that account for a range of complex jurisdictional challenges.

Important as interdiction is, a comprehensive approach to combating WMD terrorism extends beyond interdiction capabilities. It involves developing and deploying capabilities to prevent and deter the full range of linkages - transport, travel, communications, and financial - between and among terrorists seeking WMD and their facilitators. Protecting against WMD terrorism requires capabilities to detect and disrupt such linkages that also minimize harm to innocent civilians and law-abiding institutions. In the event that a terrorist succeeds in attacking with WMD, international response measures should include cooperative consequences management to save lives and mitigate economic loss, plus attribution techniques to increase the chance of bringing terrorists and their facilitators to justice, while deterring future terrorists from considering a similar path.

(Mr. Cynkin, United States of America)

Weapons of mass destruction in the hands of terrorists constitute the pre-eminent risk to international peace and security today. The globalization of trade, finance, and communications has increased the complexity of this risk, and warrants a global response. The worldwide expansion of the Internet and of tightly linked intermodal transportation networks has unleashed our collective productivity, and accelerated the speed of institutional change across our societies and governments. Our task is to make certain that all nations can benefit from these technological and economic trends, that they are positioned to establish effective governance, where appropriate, over new activities enabled by these innovations, and that they can marshal these breakthroughs to help develop integrated and capable international coalitions to confront and defeat the nexus of terrorists and WMD in all its forms.

This Conference can make a direct and meaningful contribution this year to strengthening the international framework to combat WMD terrorism through the immediate negotiation of a fissile material cut-off treaty under the draft mandate contained in CD/1776. An FMCT that would obligate States to halt the production of fissile material for use in nuclear weapons or other nuclear explosive devices would limit the global stockpile of such materials that terrorists are more than willing to use. The United States delegation stands ready to join in such a consensus.

The PRESIDENT (translated from Russian): I thank the distinguished representative of the United States for his statement. I see the representative of Italy asking to take the floor. Ambassador Carlo Trezza, you have the floor.

Mr. TREZZA (Italy): I listened with great interest to the presentation made by the distinguished representative of the United States illustrating the formidable challenge of terrorism and the connection between terrorism and weapons of mass destruction. I was struck in particular by his concluding remarks referring to the relevance that an FMCT negotiation would have in countering, in this case, more specifically nuclear terrorism.

I would just like to draw your attention, Mr. President, and that of the Conference, to a specific working paper that my delegation presented last month precisely on this issue - on the relationship between a fissile material cut-off treaty and nuclear terrorism, and how a fissile material cut-off treaty would be instrumental, inter alia, in countering nuclear terrorism, the type of fissile material which is involved in a cut-off treaty being precisely the type of fissile material which is sought after by terrorist groups. So I would just like to point out the convergence of views on this specific issue between our paper and what has just been presented by the United States delegation.

The PRESIDENT (translated from Russian): Thank you, Mr. Ambassador. Does anyone else wish to take the floor? I see no one. In that case, allow me to make a statement as Russia's term in the Chair comes to an end.

We are coming to the end of the last plenary meeting of the Conference under the presidency of the Russian Federation. The time has come to draw some conclusions.

(The President)

First of all, I wish to thank all of you for your support during Russia's term in the Chair and your contribution to our work together. Over the past four weeks we have been working smoothly, intensively and fruitfully. Seven formal plenary meetings, four informal plenary meetings and one open-ended meeting have been held. Together with you we have made active use of the unique intellectual and professional potential of the Conference on Disarmament. In our view the discussions that we have had clearly demonstrated the positive disposition of delegations to work seriously and productively. Our main task was to move towards a compromise on the programme of work of the Conference. It seems to us we have made one more step in this direction by holding focused structured debates on two important items on the agenda of the Conference. It is clear that the compromise we are seeking can come about only if it takes into account the interests of all members. That is why there is no other way for us but to agree with each other, to move towards each other and to seek mutually acceptable outcomes.

Notwithstanding the protracted pause in its substantive work, the Conference on Disarmament continues to be an irreplaceable forum in which States place great hopes. The high-level segment which we have just had demonstrated that vividly. The United Nations Secretary-General, Kofi Annan, made an important and very substantive address to the Conference. Statements were also made by the Minister for Foreign Affairs and Trade of the Republic of Korea, Mr. Ban Ki-moon, the Minister for Foreign Affairs of the Union of Myanmar, Mr. Nyan Win, and the Vice-Minister for Foreign Affairs of Japan, Professor Akiko Yamanaka. The Minister for Foreign Affairs of the Russian Federation, Mr. Sergei Lavrov, sent official greetings to the Conference. These important tokens of consideration undoubtedly demonstrated political support for the Conference. On behalf of the Conference I would like once again to express appreciation to our high-level guests.

We endeavoured to organize the work of the Conference in the most businesslike manner possible, aiming to make progress in discussing and understanding the issues on the agenda. Discussions on agenda item 3, "Prevention of an arms race in outer space", have demonstrated that all States are interested in preventing outer space from becoming an arena for military confrontation and ensuring security in outer space and the uninterrupted functioning of space objects. This gives us grounds for thinking that consensus on PAROS is wholly achievable. This is a most important issue which directly affects the security and development interests of all States.

We would like to thank delegations for contributing interesting, meaningful and profound views and suggestions in relation to the initiative put forward by Russia and China for the drafting of a treaty for the prevention of the placement of weapons in outer space and the threat or use of force against outer space objects, and also in relation to transparency and confidence-building measures in outer space activities. We draw inspiration from your support.

In the course of various events during the thematic week on PAROS, the EU, the G21 and the representatives of more than 20 delegations took the floor. Eight working papers were presented. With the participation of experts from capitals, sent by seven member States, we

(The President)

have, as it were, outlined the work of the future ad hoc committee of the Conference on Disarmament on PAROS, where political and professional elements will be intertwined. In the course of interactive discussions, drawing on the large intellectual capital built up over more than 20 years of consideration of this issue in the CD, we have managed to make tangible progress in understanding it and studying it in depth. But our main conclusion is that the Conference must resume its substantive work on PAROS as soon as possible. The issue is truly ripe, but if it over-ripens, then it will be too late. As the United Nations Secretary-General underlined yesterday, the hour is late, and the choice is clear.

Discussions have been held on agenda item 5, "New types of weapons of mass destruction and new systems of such weapons; radiological weapons". Along with traditional aspects of this issue, new elements were also considered. Despite a wide range of opinions on whether it is desirable to introduce them in the context of the ongoing search for a compromise on the programme of work of the Conference on Disarmament, there is no doubt as to their relevance for the security of States in principle. No one questioned the possibility of continuing the comprehensive consideration of the traditional aspects of agenda item 5 in the Conference with a view to agreeing on practical recommendations.

As you are aware, holding thematic focused debates on all the items of the agenda of the Conference without prejudice to the rights of delegations under rule 30 of the rules of procedure became practicable thanks to an original division of labour among all the presidents of the Conference for 2006. Russia's term in the Chair proceeded within the framework of this P6 initiative. I would like to take this opportunity to thank all our distinguished fellow Presidents and friends - Ambassador Zdzisław Rapacki of Poland, who was the father of this initiative and successfully promoted it, Ambassador Park In-kook of the Republic of Korea and his successor Ambassador Chang Dong-hee, Ambassador Doru-Romulus Costea of Romania, Ambassador Ousmane Camara of Senegal, Mr. Drahoslav Štefánek of Slovakia, and Ambassador Anton Pinter, who arrived during our term in the Chair. I would also like to thank the Friends of the Presidents, who are giving us great support both by word and by deed: Ambassador Idriss Jazairy of Algeria, Ambassador Petko Draganov of Bulgaria, Ambassador Juan Martabit of Chile, Ambassador Carlo Trezza of Italy, Ambassador Yoshiki Mine of Japan, Ambassador Sarala Fernando of Sri Lanka.

At the informal plenary meeting we presented to you the interim report of the Friends of the Presidents on the results of the initial phase of their work, including identification of the potential for rationalization of the work of the Conference. This was a useful exercise. We hope that the continuation of their efforts will produce conclusions, recommendations and comments that will be presented at the end of the session.

For centuries mankind has worried about how to achieve durable and lasting peace. History shows that there are no quick and easy solutions. I wish to cite just one example from Russian history. On 12 August 1898, after the signing of a peace treaty between the United States of America and Spain, the Russian Minister for Foreign Affairs, Count Muravev, invited the ambassadors of foreign Powers and made a statement, which had been approved by Emperor Nicholas II. The statement included the following passage:

(The President)

> "Putting an end to the constant build-up of armaments, and seeking ways to prevent the tragedy that threatens the entire world, is the supreme duty of all States. Inspired by this belief, His Imperial Majesty has instructed me to convey to the governments of the States whose representatives are accredited to the Imperial Court a proposal for the convening of a conference to discuss this task. With God's help, such a conference could become a good omen for the coming century. It would serve to unite into one powerful whole the efforts of all States that are sincerely striving for the triumph of the lofty idea of universal peace over discord and strife. At the same time it would secure harmony between them through joint respect for the principles of law and justice, which are the foundation for the security of States and the prosperity of peoples."

More than 100 years have passed, but the relevance of these words has only increased. We now have such a conference as was envisaged by Count Muravev, working on a permanent basis. This is the Conference on Disarmament, which has established itself as a unique international negotiating forum which has produced a number of key disarmament agreements.

It is too early to draw conclusions for the whole year, but we think that the in-depth thematic discussions we have already had within the framework of the six Presidents' initiative provide rich food for thought in the context of the existing proposals concerning the programme of work, their possible further evolution and the positions adopted by States. We hope that a sober analysis of the results of the Conference's session this year will help us reach agreement on the Conference's programme of work, or to come closer to agreement, while upholding existing equilibria and taking account of the real situation through a combination of pragmatism, a realistic approach and due consideration of the opinions and interests of all member States.

I would like to express my gratitude to all delegations for their support and active participation in our endeavours. Our special thanks go to States that responded to Russia's invitation from the Chair and sent their experts to Geneva. We hope that this practice will be continued as necessary in the future. We thank the experts themselves, who gave tangible added value to our thematic work. We are convinced that businesslike contacts among them will be maintained and expanded.

We would like to convey our thanks to the Secretary-General of the Conference, Mr. Sergei Ordzhonikidze, Deputy Secretary-General Mr. Tim Caughley, Mr. Jerzy Zaleski, Mr. Valère Martels and all the other members of the Conference secretariat for their timely and professional assistance. We are sure that for a long time to come delegations will be revisiting the extremely helpful compilation of "Basic documents of the Conference on Disarmament related to the prevention of an arms race in outer space" prepared by the secretariat. We are grateful to the distinguished coordinators of the regional groups of the Conference who worked in very close contact with us. We express sincere appreciation to Dr. Patricia Lewis and her colleagues in UNIDIR for their contribution to the holding of the open-ended meeting. The interpreters and translators have worked intensively and deserve our recognition and gratitude. All of you have demonstrated outstanding support and assistance.

(The President)

As a result of our coordinated joint efforts, we consider that our assigned mission has been accomplished. Today we are handing the baton on to our distinguished colleagues from Senegal. We are convinced of the success of Senegal's forthcoming term in the Chair, and wish our Senegalese friends, and particularly Ambassador Ousmane Camara, success and good results.

The next formal plenary meeting of the Conference on Disarmament will be held in this room next Thursday, 29 June, at 10 a.m., under the presidency of Senegal.

Thank you for your attention, thank you for your work, and with all my heart I wish you all the best. This meeting is adjourned.

The meeting rose at 11.45 a.m.