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# Conference on Disarmament

24 May 2011

English

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## Final record of the one thousand two hundred and twenty-fifth plenary meeting

Held at the Palais des Nations, Geneva, on Tuesday, 24 May 2011, at 3.15 p.m.

*President:* Mr. Wang Qun .....(China)

**The President:** I call to order the 1225th plenary meeting of the Conference on Disarmament.

I have the pleasure to welcome Mr. Ahmet Üzümcü, Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW), back to the Conference on Disarmament.

Mr. Üzümcü was appointed Director-General of OPCW in December 2009 at the fourteenth session of the Conference of the States parties to the Chemical Weapons Convention and began his term of office on 25 July 2010.

Immediately prior to this appointment, he served as the Permanent Representative of the Republic of Turkey to the United Nations Office at Geneva and as Permanent Representative to the Conference on Disarmament. During the past decade he has also represented Turkey on the North Atlantic Council and at the Conference on Disarmament, the United Nations, and other international organizations in Geneva. In particular, he served as the President of the Conference on Disarmament in 2008, and made his contributions to the work of the Conference.

He has a thorough understanding of and considerable expertise in political-military affairs, disarmament and proliferation issues. He is not only a man with much knowledge and attachment to the Conference on Disarmament, but is now also enriched by his experience at OPCW. We are glad that he made himself available to the Conference on Disarmament at this critical juncture. We are looking forward to hearing his input.

**Mr. Üzümcü** (Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW)): I am delighted and indeed honoured to address the Conference on Disarmament and to share my reflections about an undertaking that was concretely defined in this very body almost two decades ago. I wish to thank you, Mr. President, for giving me this opportunity.

I cannot say that returning here to the Conference on Disarmament brings back old memories, for it has been less than a year since I left Geneva to take up my responsibilities as Director-General of the Organization for the Prohibition of Chemical Weapons. But it does bring back very pleasant memories. The collegiality of the Conference on Disarmament and the camaraderie born of common purpose remains, for me, unforgettable. Despite some of the challenges currently facing the Conference on Disarmament, it remains a unique body with an indispensable role. The intellectual skills and expertise that reside here are unrivalled.

The Chemical Weapons Convention alone testifies to the importance of the Conference on Disarmament as “the sole multilateral disarmament negotiating forum” of the international community. As this Conference seeks to create further avenues to strengthen international security through disarmament and non-proliferation, it can draw inspiration from its own past achievements such as the Chemical Weapons Convention.

The Convention is exemplary in numerous respects. It resulted from a common vision, a vision of a world free from chemical weapons, and was concluded successfully because all negotiating parties were prepared to make compromises for the sake of consensus. In the process, the Conference on Disarmament created a disarmament and non-proliferation instrument that is unprecedented in the history of arms control.

It is the first and, so far, the only international treaty that bans an entire class of weapons of mass destruction under conditions of international verification.

Despite certain initial doubts about the viability of a convention, the disarmament and non-proliferation regime that it established has performed beyond expectations.

The Convention represents both a political agreement and a technical instrument. The regime to implement its provisions has been built from scratch. The results that it has yielded are substantial. The role that it plays in advancing global security objectives is gaining importance by the day.

OPCW has a membership of 188 countries. No other multilateral disarmament treaty has reached near-universality this rapidly.

More than 65 per cent of the total chemical warfare agents declared under the terms of the Convention have been verifiably destroyed, including the entire stockpiles of three States parties.

More than 90 per cent of the 70 declared chemical weapons production facilities have either been destroyed or converted for peaceful purposes.

The organization recently conducted its landmark 2000th industrial inspection.

More than 8,000 individuals have benefited from OPCW programmes and training courses in international cooperation or in assistance and protection against chemical weapons.

All these indicators testify to an agreement that was well drafted and has performed exceptionally well. Now, almost two decades after its conclusion and 14 years after its entry into force, we need to pause and reflect on how the Convention can be adapted to the demands of a new era.

Our successes have been significant. But having completed a major part of our mission to destroy chemical weapons, and in the light of the evolution of the international system, we have a number of challenges ahead of us. OPCW is on the threshold of a major transition. At the same time, far-reaching changes have occurred in science, technology and the chemical industry. New security challenges have also emerged, especially asymmetric threats.

The bulk of the remaining aggregate global stockpile resides within two countries: the Russian Federation and the United States. Despite the inherent magnitude of their undertakings, the United States and the Russian Federation have destroyed approximately 85 and 50 per cent of their respective stockpiles. However, under the Convention, the final deadline for the complete destruction of chemical weapons is 29 April 2012.

Both countries have indicated that they will not be able to meet this deadline. Although the Convention does not permit any further extension of the destruction deadlines, the imminent default needs to be viewed dispassionately and objectively. The stockpiles to be destroyed were massive. The efforts and resources required for their elimination in conditions of safety and environmental sensitivity were no less daunting and were perhaps underestimated at the time when the Convention was drafted. The weapons in question are secure and will remain under OPCW verification until they are destroyed. I am therefore confident that States parties to the Chemical Weapons Convention will seek a balanced way forward that preserves both the credibility and the integrity of the Convention. Consultations on this matter are already under way.

There are two other States parties that are under an obligation to destroy chemical weapons present on their territories.

The situation with regard to the Libyan Arab Jamahiriya is of particular concern. The State party was required to destroy its self-remastered stockpile by 15 May 2011 and all categories of chemical weapons by the end of the year. However, the destruction was suspended due to a failure of the heating equipment at the destruction facility in February. The Libyan Arab Jamahiriya has cited the embargo imposed by the Security Council as the reason that prevents spare parts and equipment delivery for its chemical weapons

destruction facility. In this regard, I have sought the advice of the United Nations Secretary-General, and that issue is currently being considered by the sanctions committee established by the Security Council.

Meanwhile, I have reminded the Libyan Government of its international obligation to meet its destruction deadlines and I have also reiterated to its National Authority that the responsibility for the physical security of those chemical weapons rests entirely with the Libyan Government. The Executive Council has expressed its full support for the actions being undertaken by the Secretariat in view of the situation in Libya and has encouraged me to continue my efforts.

Meanwhile, the Libyan Arab Jamahiriya has requested that the deadline for category 1 chemical weapons that elapsed last week be extended until 29 April 2012. The Executive Council has been seized of the matter since 9 May and will continue its consideration of the Libyan extension request next week on Monday. The Council has urged the Libyan Arab Jamahiriya to ensure the security of the chemical weapons stockpiles and their destruction within the established deadlines.

Iraq joined the Convention in early 2009. According to the Convention, any chemical weapons located in the territory of a State party need to be declared to OPCW. Iraq accordingly declared a cache of weapons that had been rendered unusable under the work authorized by the United Nations Security Council. As they are buried in two bunkers that are not readily accessible, it is a particular challenge to devise a programme that would lead to their safe destruction.

In close cooperation with the Government of Iraq, and with the support of the United Nations Assistance Mission for Iraq (UNAMI), the Secretariat recently conducted initial inspections of declared chemical weapons production and storage facilities in Iraq. The Secretariat continues to provide the necessary support to Iraq to clarify remaining matters, including on finding a way forward with respect to the complete disposal of this legacy.

OPCW will continue to conduct its verification activities with regard to old and abandoned chemical weapons. Operations began last year at a mobile destruction facility deployed at Nanjing in China and additional facilities are expected to come online in the next few years. New discoveries of old and abandoned chemical weapons are expected in many years to come and the verification responsibilities of OPCW will continue to apply.

Just as we need to assure the elimination of chemical weapons, so must we prevent their re-emergence — now or in the future — so that chemical weapons are never again used either by States or non-State actors. This is a complex undertaking and one that requires constant attention and review.

Under the provisions of the Convention, non-proliferation is to be assured through systematic declarations, industry monitoring and verification, controls on transfers of chemicals and regulatory measures to identify and track chemicals of concern.

OPCW inspections of the chemical industry and review of import and export data is one aspect. An equally important responsibility rests with States parties themselves. They are required to establish national laws and regulations to give effect to their legal obligations under the Convention. They should be able to detect, pursue and prosecute any breach of the Convention by their nationals in any area under their jurisdiction or control.

In 2003, the First Review Conference of the Chemical Weapons Convention adopted an action plan to boost effective national implementation of the Convention globally.

As a result, there has been significant progress made by our States parties in establishing administrative and legal measures for the implementation of the Convention.

The number of States parties that have enacted comprehensive legislation has been steadily increasing.

However, a significant number of States parties still need to adopt comprehensive legislation. OPCW offers technical assistance and support to any State party wishing to implement national legislative and administrative measures. These programmes are facilitated through financial contributions received from individual member States and, very significantly, the European Union. I wish to seize this opportunity to call on the concerned States parties to accelerate the process of adopting the national legislation as required under the Convention.

The participation of the global chemical industry in the implementation of the Chemical Weapons Convention is a unique example of its kind. It adds a new dimension to the concept of public-private partnership, which, in this case, is meant to promote global peace and security.

I commend the chemical industry for the major contribution it has made towards the effective implementation of the Convention, a critical element of which is industry verification.

We remain committed to strengthening the engagement and support of the industry. Such close cooperation is necessary as OPCW seeks to redirect its focus from a reduced workload of disarmament verification to other aspects of the Convention, including the future imperatives of non-proliferation. This will require a progressive refinement and expansion of industry verification activities, especially in the category of Other Chemical Production Facilities. The number of facilities declared under this category is the largest and covers around 80 States parties. Yet, the percentage of inspections is relatively low. Many of the facilities in this category have the inherent capability to quickly reconvert for the production of chemicals scheduled in the Convention.

Closer monitoring of the global trade in chemicals of concern also assumes greater importance, precisely for its non-proliferation value. Our States parties will also have to be proactive in identifying security risks that arise from production and trade in toxic chemicals. In the future, the use of chemical weapons in a conventional military sense is remote. The use, on the other hand, of toxic chemicals, especially in an asymmetric sense is the more likely scenario.

Our key challenge for the future will be to extend the reach of verification to new chemicals and new means and methods of production that are continually evolving as a result of breakthroughs in science and technology. The Scientific Advisory Board of OPCW, composed of 25 eminent scientists, is tasked with reviewing developments in these fields and formulating recommendations designed to maintain the effectiveness of the verification regime.

In deepening our programmes by reallocating the resources that will be freed up by reduced verification of destruction, we will seek to provide greater substance to our cooperative programmes as well. These include not just national implementation measures, which are a crucial plank of effective treaty enforcement, but also our assistance and protection and international cooperation programmes. These activities bind our States parties together and promote a sense of ownership in OPCW.

Articles X and XI of the Convention cover international cooperation and assistance. These are areas that are of particular importance to our many member States whose economies are developing or in transition.

Contemporary security threats, including the possibility of the use of chemical weapons by non-State actors, have created a renewed interest in the ability of OPCW to coordinate the delivery of emergency assistance to States parties in case of an attack or the

threat of an attack with chemical weapons. Our States parties are also keen on building their national capacities to deal with threats or actual incidents involving the use of chemical weapons.

These are legitimate expectations because OPCW is seen widely as guarantor of security against chemical weapons. Today, this includes the role and potential of the organization in the field of antiterrorism.

Our outreach activities and a sustained programme of assistance have contributed to the endeavours of many States parties in closing the gap between joining the Convention and implementing it more effectively. This experience can contribute towards similar ongoing exercises, for example, in the context of the forthcoming Review Conference of the States Parties to the Biological Weapons Convention and by the United Nations to promote in all its Member States the implementation of Security Council resolution 1540 (2004).

The United Nations Global Counter-Terrorism Strategy adopted in September 2006 also encourages OPCW to continue to help States to build their capacity to prevent terrorists from accessing toxic chemicals, to ensure security at chemical and related facilities and to respond effectively in the event of an attack in which such materials are used.

The international cooperation activities of OPCW to promote the peaceful application of chemistry are similarly of tangible benefit to our States parties.

These include not only training programmes in various fields of chemistry but also support and sponsorship for research, internships and conferences.

There is, in my view, considerable scope to enhance and make more effective our programmes that promote greater international cooperation and build capacities in our States parties against both old and new threats of chemical weapons.

In a framework for the future, when the organization transitions from being primarily a disarmament body to one that is geared to contemporary threats and challenges, deepening of international cooperation will assure sustained support for OPCW security objectives.

The Chemical Weapons Convention enjoys the support of its 188 States parties, a figure of membership that is unprecedented in terms of its rate of growth. Only seven members of the United Nations remain outside the Convention.

For a treaty whose agreed objective is the complete elimination of chemical weapons from the world, those not joining delay the realization of this goal, for there can be no legal assurance that one or more non-members do not in fact possess chemical weapons. For those States parties that have destroyed and are destroying their chemical weapons, it is a particularly unwelcome situation. We cannot guarantee that the world will one day be totally free from chemical weapons until each and every country has accepted the Convention's legal prohibitions.

We must therefore continue raising the issue of universality with non-member States. Some of them cite their regional tensions. In my opinion, by joining the Convention, their regional security will be enhanced, not diminished. Any region is much safer without chemical weapons than with chemical weapons. It was terrorists in Japan and the former regime in Iraq that last used chemical weapons. These infamous associations should effectively rule out the possibility of their ever being used by any civilized nation. This then raises the question about the wisdom of retaining the chemical weapons option.

These are the moral and ethical considerations that I hope States not parties will consider closely. They are all Members of the United Nations and several are members of the Conference on Disarmament.

Here, in this body, you are striving to promote disarmament and non-proliferation. This is a solemn responsibility. You must look to the future with hope. But that future must be built upon the achievements of the past: the Chemical Weapons Convention is an essential part of it. By promoting its universality, greater credit and credibility will be brought to the endeavours in this Conference and to individual members of the Conference who accept the Convention.

We all look forward to a conference in 2012, as decided by the most recent NPT Review Conference. Designed to promote the goal of a region free from weapons of mass destruction in the Middle East, OPCW has been identified as an organization whose experience counts. We are prepared to make our contribution towards the success of this initiative.

I also hope that for other regions, such as the Korean Peninsula, promotion of membership of the Chemical Weapons Convention will be placed on the agenda on prospective dialogues that are designed to promote regional peace and security.

In the coming years, OPCW will face important decisions. They pertain to rebalancing our programmes and activities to better serve the new priorities and responding to the march of science and technology and the fast evolving developments in the field of chemistry and production technology. Our key goal is to ensure that the Convention's hard earned prohibitions remain relevant for all times to come.

An independent advisory panel of experts is currently considering the future of OPCW. Our States parties will also deliberate on these important matters. I take this opportunity to pay tribute to their dedication and strong commitment, which is the single most important reason for the success of OPCW as a multilateral project.

Agreeing on issues of such fundamental importance is not easy. Yet it should be possible to make progress when the larger good is kept firmly in sight.

In the Chemical Weapons Convention, the Conference on Disarmament took a major step towards a world forever free of weapons of mass destruction. I hope its progress and the exemplary manner in which OPCW members have conducted themselves can offer inspiration to the Conference on Disarmament to yet greater achievements in the service of international peace and security.

I wish the Conference on Disarmament every success.

**The President:** I thank the Director-General for his statement on matters across a wide spectrum on the disarmament front. I am particularly grateful for the successful OPCW story he shared with us, which is thought-provoking and will, I hope, serve to inspire us in this chamber and so enable us to work more to promote the work of the Conference. At this time, I would like to suspend the meeting for a couple of minutes so as to enable me to escort the Director-General outside the Council chamber.

*The meeting was suspended at 3.40 p.m. and resumed at 3.45 p.m.*

**The President:** I would like to turn to the second item on the agenda today, which is a continued exchange of views on the programme of work of the Conference, in accordance with document CD/WP.565/Rev.1.

*(continued in Chinese)*

Under the Chinese presidency, this is our third plenary meeting discussion on the programme of work. During previous discussions, while making sure that it was without

prejudice to the right of each member to put forward its own views, we managed to have an exchange of views among delegations on a number of specific questions concerning the programme of work, such as which elements are considered to be absolutely impossible to consider and which are considered as indispensable to a programme of work. During those two discussions in the plenary, delegations were very active and forthcoming with their views and proposals, many of which were thought-provoking. Some members believe it necessary to have a comprehensive and balanced programme of work. For some others, a programme of work must include a clear working mandate, while for others still the mandate should contain some new wording. The important thing for them is that the substantive work of the Conference should be started. There are also some countries that proposed having a simplified programme of work, without any mandate, consisting only of a timetable of work. As President, I would like to thank all of you for your contributions to those discussions. I believe and hope that these kind of open and transparent intergovernmental discussions are conducive to our efforts to reach an early conclusion concerning a programme of work and to commence the substantive work of the Conference.

The importance of a programme of work is self-evident. It is literally the key to opening up various areas of work of the Conference. I hope delegations will make full use of this plenary, the last one over which China is presiding, on the programme of work and I hope you will continue to be forthcoming with your ideas and views and questions before us.

**Mr. Dékány** (Hungary): I have the honour to speak on behalf of the European Union. The candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Iceland, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

I would like to convey on behalf of the European Union a warm welcome to Mr. Tokayev and to congratulate him on his appointment as Secretary-General of the Conference on Disarmament and Personal Representative of the United Nations Secretary-General to the Conference. We look forward to working with you, Mr. Tokayev, on all issues submitted to the Conference on Disarmament. In particular, we wish to assure you that we will continue to support the efforts that you undertake, together with successive presidencies, to end the long-standing impasse in the Conference on Disarmament.

As regards the Conference's programme of work, let me recall the essence of our position, which we already set out in several statements during the first part of the 2011 session. The European Union attaches clear priority to the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein, as subsequently reiterated in CD/1864. We also consider that there are confidence-building measures that can be taken immediately without needing to wait for the commencement of formal negotiations. This is why we call on all States possessing nuclear weapons to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

The European Union also remains ready to engage in substantive discussion on: the other items that were included in CD/1864; practical steps for progressive and systematic efforts to reduce nuclear weapons with the ultimate goal of their elimination, including approaches toward potential future work of a multilateral character; issues related to the prevention of an arms race in outer space; and effective international arrangements to



assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; and other issues on the Conference's agenda.

**Mr. So Se Pyong** (Democratic People's Republic of Korea): I warmly congratulate Secretary-General Tokayev once again, as this is the official plenary.

Mr. President, the Democratic People's Republic of Korea highly commends your ongoing efforts. I avail myself of this opportunity to pledge our full support to you once again.

The Democratic People's Republic of Korea attaches importance to the Conference on Disarmament, which is the sole multilateral negotiating body on disarmament and vital to the achievement of nuclear disarmament.

Nuclear disarmament remains of the highest priority for my delegation, as for the absolute majority of the member States of the Conference.

Since my delegation has presented its position, at every opportunity, on a programme of work, I would like today to briefly reiterate some key elements to be considered in our deliberations on the programme of work of the Conference.

First, the programme of work should provide a negotiation mandate on nuclear disarmament.

Second, the issues of negative security assurances and the prevention of an arms race in outer space should also be dealt with truly in the programme of work.

Third, a programme of work should be inclusive and balanced and should fully reflect the legitimate security interests of each nation and be acceptable to all member States.

To do this, the Conference has to abide by the consensus rule and conduct open-minded discussions by addressing all issues with transparency. At the same time, any actions that might have a negative effect on the adoption of the programme of work should be avoided.

In this regard, my delegation looks forward to uninterrupted efforts towards the adoption of the programme of work of the Conference and is fully ready to contribute to that end.

In conclusion, Mr. President, the delegation of the Democratic People's Republic of Korea will continue to cooperate closely with you and remain positively engaged in the work of the Conference.

**Mr. Hoffmann** (Germany): I would like to congratulate the new Secretary-General of the Conference, Mr. Tokayev, on his appointment and wish him well in his challenging task.

Mr. President, we welcome the fact that you have scheduled discussions specifically on the programme of work. We believe it is useful to remind ourselves again and again of the fact that, in the General Assembly first special session on Disarmament in 1978, the international community clearly established the Conference on Disarmament as a negotiating body, while the United Nations Disarmament Commission was assigned the role of a deliberative body in the field of disarmament. Unfortunately, due to many factors, both bodies have not fulfilled their respective roles and tasks in any satisfactory manner in many years.

The Conference on Disarmament, as we all know, has been at a stalemate for over 14 years since it accomplished its last negotiating achievement, the Comprehensive

Nuclear-Test-Ban Treaty. Ever since, it has struggled over the question of what to tackle next in terms of negotiating international instruments in the field of disarmament.

A number of times, the Conference seemed close to agreement. In May 2009, consensus on a world programme was actually reached, which was widely celebrated in disarmament circles and in the disarmament community around the world. Only later it turned out that one delegation had second thoughts; ever since, after manoeuvring for a while, it has been openly blocking the adoption of a world programme based on the May 2009 consensus, practically single-handedly.

The conduct of meetings of the Conference on the issues on our agenda for many decades is no substitute for fulfilling our real task, namely, negotiating international instruments on disarmament and non-proliferation. It appears that the Conference has lost sight of that very basic fact. It is deeply frustrating and unacceptable that, in spite of the flurry of activity that the Conference has seen in this session, in this chamber and in its margins, the situation of the Conference remains unchanged.

My delegation very much appreciates the engagement of United Nations Secretary-General Ban Ki-moon in drawing attention to the urgency of the matter. Only recently, I saw an article in French which was very succinctly entitled “Il est intolérable que la Conférence sur le désarmement reste paralysée” (The continuing paralysis of the Disarmament Conference is intolerable).

Likewise, my delegation very much appreciates the way in which the newly appointed Secretary-General of the Conference spoke in the very same vein this morning. In our assessment, near consensus continues to exist in this chamber on a programme of work, based on the May 2009 consensus, as reflected in CD/1864. I am not aware of any approach which comes closer to any consensus.

We continue to call upon all sides to open the way to start our work on that basis. Delegations must not abuse the consensus rule to veto the beginning of a negotiating process. It remains our conviction that it is the most important task of any Conference on Disarmament presidency to make every effort to identify an approach that allows us to do our real work, namely, to repeat it again, to negotiate instruments on disarmament.

We thank the presidency for its engagement in this regard and wish it the success we all need so urgently.

**Mr. Vasiliev** (Russian Federation) (*spoke in Russian*): Mr. President, my delegation is grateful to you for organizing today's discussion as a plenary session. I understand that the decision to do so reflected the wishes of many delegations to continue the discussion on the situation in the Conference on Disarmament, and specifically to seek agreement on the programme of work.

I listened with respect and agree with much of what the distinguished representative of Germany said, but I must nevertheless note that we are not really having a dialogue on the programme of work, while — as affirmed by both the Secretary-General of the United Nations and Mr. Tokayev, our new Secretary-General of the Conference, appointed just this morning, and the Personal Representative of the Secretary-General — the Conference is in quite a critical situation. And it may be that the decision on its future will be taken somewhere other than here in the Conference itself.

We have already heard a proposal for a plenary session of the United Nations General Assembly in July, and there is also the idea that the issue should be discussed by the First Committee of the United Nations General Assembly this autumn.

We know that the Secretary-General's Advisory Board on Disarmament Matters will be meeting here in Geneva to consider a future multilateral disarmament mechanism.

Given all this, perhaps it would be a good idea if we were to do some brainstorming — perhaps more than once — on how we see the way out of this situation and how we can help to bring the Conference out of the impasse and come to agreement on the programme of work.

Therefore, I think it would be useful if Colombia, as the next President of the Conference, were, first of all, to hold unofficial consultations where we could have substantive discussions on the issues and this situation that we unfortunately have in the Conference at the moment.

If that does not happen, then I am afraid that we will not be able to share the optimism of our newly appointed Secretary-General; we will be forced to go with the flow and wait for a decision on the fate of our Conference to be taken somewhere else.

**The President:** Throughout the presidency of China I have admired the enormous efforts of the coordinators; for instance, Giovanni [Manfredi] convened informal meetings on a fissile materials cut-off treaty with highly enhanced interactions. Just now, I listened with care to the statement of the distinguished representative of the Russian Federation concerning his impression of the discussion here in the context of the programme of work.

**Mr. Khelif** (Algeria) (*spoke in Arabic*): The delegation of Algeria had not planned on taking the floor but, having heard delegations' statements about the programme of work, we wish to raise some questions regarding the matter. However, we should first like to reaffirm Algeria's ongoing belief in the importance of the Conference on Disarmament as the sole multilateral forum for negotiations on disarmament issues.

Algeria has put forward many proposals, including the 2001–2002 Five Ambassadors' proposal and the CD/1864 proposal, presented in consultation with the 2009 Conference Presidents. Unfortunately, these initiatives failed to enable the Conference to move forward.

Of course, Algeria still supports the 2009 proposal contained in CD/1864 as a starting point for substantive work on the four core issues before the Conference on Disarmament.

We have heard many position statements concerning, or rather threatening to turn to, forums other than the Conference on Disarmament in order to take decisions regarding Conference work. The question is: how can the Conference find a way out of the present impasse? Is it simply a matter of initiating negotiations on one specific issue? Or does the paralysis encompass several agenda items? Are there other options that might be considered? For instance, reference was made at previous meetings to the possibility of opting for a simplified programme of work comparable to that adopted in the 1970s providing for the establishment of a working group without clear terms of reference.

Again, and this is just a query or discussion point, why not revert to the approach adopted in the programme of work applied in the 1980s, when the programme was regarded simply as a schedule of activities? In those days, the content of the discussions concerning the agenda was published and recorded in the annual report, and the establishment of subsidiary bodies was deemed to be a separate issue from the programme of work. Such bodies were established on the basis of consensus. Perhaps this consensus-based formula would allow for negotiations to be initiated on some of the important issues before us.

With regard to the core mandate of the Conference on Disarmament, namely, the negotiating mandate, we simply wish to recall that any negotiations within or outside the Conference on Disarmament require prior substantive discussions. It may be noted, for instance, that although the Conference on Disarmament was established in 1978, the first legal instrument was not adopted until 1993, i.e. 15 years after its establishment. A programme of work existed throughout this period, but the Conference on Disarmament

was spared the alarmist rhetoric that we are faced with today: either we start negotiating, or we shall look to other forums outside the Conference on Disarmament.

We seem to need more patience and more negotiations and consultations amongst ourselves in order to find a formula on which we can agree so that we can preserve the Conference on Disarmament and move forward. For, we do not believe that by turning to alternative forums for negotiations on fissile materials, negative security assurances, the Conference on Disarmament, or the prevention of an arms race in outer space we will be able to establish a political basis for reaching agreement on effective international instruments.

**The President:** Before I give other delegations the floor, I have a proposition to make and also some observations.

Without prejudice to the sentiments of delegations and without wanting to go into a political debate on the question of the programme of work, I as President would very much prefer to focus specifically on the issues that need to be dealt with in the context of the programme of work. That is why I said that the question is not that I admire the lively interactions in the context of informal meetings but that, at plenary meetings, if delegations were allowed to have an exchange of inputs on the question of a programme of work, they could do that. Just now, the distinguished representative of the Russian Federation said that it was his impression that no discussion is taking place on the programme of work.

So, in this particular context, with your permission and understanding, I as the President would come up with two questions for you. The underlying purpose is to stimulate discussion rather than to impose on you a question that you need to answer. If you think that these questions would be useful to you, you can come up with your views, not necessarily from a political perspective. But if you think they are useless, you can simply disregard these inputs from the Chair. But overall, what is important is to have the inputs coming in. For our programme of work, maybe time would be too short for China as President now, since we are soon to conclude our presidency. Nevertheless, these inputs may be important to our colleagues in the remaining presidency. It is in this particular context that I would like to come up with some questions, in the light of the observations made by the distinguished representative of Algeria and also of the statement made by Ambassador Hoffmann of Germany.

So, basically, I would like to propose an exchange of views on two questions.

Firstly, our distinguished colleague said that CD/1864 is a good document. While, in the presidency, it is not for me to go into the substance of the matter, nevertheless it is my impression, at least the impression I have received from what has transpired in the room, that CD/1864 is a consensus document. It is a document that, at least in my view, is a balanced document and a good basis for any further breakthrough. But the question is that, although CD/1864 has been concluded, if we are to aim to make further progress, how can we operationalize this? We cannot simply stick to the original language of CD/1864. I think it will be important for us to be clear, if not clearer. When we say that it is a balanced document, how do we look at the balance of this document? My purpose in posing this question, in fact, is that we should think of a way to maintain the thrust of the balance as enshrined in CD/1864, while remaining able to move ahead.

So this is the question. For the sake of stimulating discussion, I would say that if we look at the working groups to be established in the context of CD/1864, for instance, in terms of mandate, the mandate of some is characterized as “to negotiate or exchange views and information on” and of some others “to discuss substantially”. These points are actually important in talking about the mandates of these working groups, once reached in the context of an overall agreement.

But, in my view, the balance in the document is not only confined to words such as “negotiations”, “exchange ... information” and “discuss substantively”. The drafter is wise enough to plant many other seeds of balance in this document. For instance, if you look at the mandate in terms of the specific tasks to be covered by these working groups, CD/1864 talks about “practical steps for progressive and systematic efforts”, about “a treaty”, about “all issues ... without limitation ...” and also about “recommendations dealing with all aspects of ...”.

So, as you see, the balance in the document is subtle. This actually should prompt us to think that we should be able to keep the balance of the thrust of CD/1864 as originally designed, which addressed the concerns of all countries. This is actually one question that requires further exploration. If delegations would like to have some inputs on this, that would be useful.

The second question I would like to put to you is in relation to the point made by the distinguished Ambassador Hoffmann of Germany on negotiations versus discussions, for instance. I think he is right in saying that the Conference on Disarmament is a negotiating body. In his statement, I think he said that the task of this body is negotiating international instruments on disarmament and non-proliferation. I like this.

Without wishing to engage in a political debate, for practical purposes we need to understand what a discussion is. What is the difference between discussion or substantive discussion in relation to negotiations? Are you talking in a grammatical or linguistic context or in a political context? With the caveat that, in my personal view, we are not obliged to agree or not, based on simple facts. For instance, it is axiomatic that the process leading up to a treaty that is already in place, for instance, can only be described as negotiation. How can we say that it is discussion? Even if we agree to embark on a negotiating process, we agree; we intend to negotiate something. But how can you call a long, elusive process lasting 5, 8 or 10 years towards a prospective treaty “negotiations”?

What I am saying is that the nature of the exercise — as Mr. Hoffmann is saying — is that we are struggling over the question about what to tackle next in terms of negotiating. So in what context shall we look at the nature of this exercise? Should we look at it in the linguistic context, the grammatical context — that is, how to characterize negotiations versus discussions — or should we look at it in the context of objectives? In the context of objectives, is that with a fissile materials cut-off treaty as the objective? What shall we do? In practical terms, how can we move forward by focusing on practical effects, driven by purpose?

So, these are some of my random thoughts. I should limit myself from saying too much but, for the purpose of stimulating discussion, I would like to put these questions to you. You may target me, because in fact the purpose is not to stir up a political debate but, rather, to say how best we could move forward by breaking the ice. What is the real problem with our programme of work? Mr. Vasiliev is right, we do not have discussions, we do not have real discussions. So, then Mr. Vasiliev, for instance, what do you think about the two questions I just came up with, without prejudice to other colleagues? But do not have a political debate with me; I do not want it. If that is the case, I will conclude the meeting (*he laughs*) in a very undemocratic way. But I would welcome it if all others would like to join the discussion by focusing on the merits of the questions themselves.

**Mr. Vasiliev** (Russian Federation): Mr. President, the last thing I would think of is entering into a political debate with you. And, as you certainly know, we are like good big brothers so we do not have any political debates; we only have political friendship.

So, what I was referring to was just one simple thing, namely, that we need to find an appropriate forum to tackle the serious issues which are confronting us. There is a kind of rolling ball of problems and those issues, once again, will be discussed very soon here in

Geneva by the Advisory Board for Disarmament Matters, in the General Assembly, in the First Committee this spring. As we know, some delegations are getting ready for those events, either by preparing draft resolutions or sharing ideas on how to address those questions. At least my delegation will be interested also in participating in this kind of brainstorming among ourselves, to see how we can save the Conference on Disarmament. Some of the ideas that you raised in your questions included: What is the programme of work? What are discussions in relation to negotiations? If we finally have a treaty, can we say that the discussions we have in the first phase are negotiations? Are we all satisfied if we adopt a programme of work which does not contain the word “negotiations” but only contains the word “discussions”, although we all understand that those discussions may lead at one point to a treaty? And so on and so forth.

I do not think that the format of a plenary meeting is exactly right, and you are absolutely right that here we share our political approaches. At least as far as my delegation is concerned, we have already, on various occasions, clearly expressed our position with regard to document CD/1864 and other documents, including your proposals for a programme of work. But what we need is a thorough discussion on the Conference on Disarmament, its role in the future and how to address all the challenges that we will be confronting in the very near future.

**The President:** I think one point raised by the representative of the Russian Federation is particularly relevant. I think it would be good, and regrettably we do not have time, if both formal and informal meetings could address the question of programme of work so that these two parallels could be joined together. Also, I see the merits of discussing the question in the context of informal meetings.

**Mr. Hoffmann** (Germany): I actually hesitate a little bit to interpret my own statement but, since you have been trying to provoke a discussion on this and have alluded to my statement, I thought I might add a few words.

You will have noticed that in my statement I did not touch on the issue of alternatives in any way at all. This is a matter for a later occasion. I think we will have to discuss this in this forum before we all break up for New York, at the right moment, because everybody knows, and our Russian colleague has referred to that, that there are discussions going on. But, today, I quite deliberately did not touch on this issue at all. I only wanted to make a few very basic points just to say that we are not a deliberative body, we are a negotiating body.

Of course, you are right when you say, as I understand you, that there is no absolute distinction between discussion and negotiating because, in actual practice, when you look back at the history of treaty negotiations, it has often been the case that they started off in a very slow motion discussion mode and then, somehow, transformed themselves into negotiations. That is certainly true, but after 14 years of such attempts, it becomes a bit more difficult to maintain. That is one point.

That is why I think it is important now, after such a long time, to remind ourselves that there is an actual task before us. I would say when, as you noted, the fact that many delegations do not bring their technical experts here, including our own delegation, because the assumption is that we are not really seriously addressing a certain issue even in the sense of pre-negotiations, then that says something. We are actually far away from what you could call quasi-negotiations, which is very deplorable. There are some who argue that discussions are good, and basically the conclusion they draw from this is to say: where is the problem? I think it is important to say that there is a problem, when, after 14 years, we do not seem to be getting closer to what one could call some type of actual negotiation process. Technically speaking, I would say that in my book, negotiations start when you deal with a draft, when you work with language that you write down, what you want to

agree on, even if it is totally controversial. But you have something in writing in front of you. Whereas, when you continue to have long more or less academic debates, technical debates of this or that nature, without crystallizing this in some way in text, then I think we are still very far away. It is important for us all to be aware of the situation as it really is.

**The President** (*spoke in Chinese*): I have just listened carefully to several of my colleagues express their views on the Conference's programme of work. After three plenary discussions and corresponding consultations between myself and Member States, overall I feel that the parties still have differing views about how to agree on a programme of work, so I think the conditions are not yet ripe to put forward a proposed programme of work during the Chinese presidency. In the future, we can continue to discuss this important issue in both plenary and informal meetings. At the same time, clearly it cannot be said that the Conference does not have a basis on which to adopt a programme of work. One such basis is document CD/1864.

I would like to emphasize that I now wish to share my views as the representative of China rather than as President. Firstly, document CD/1864 is a balanced document. It is balanced in every aspect, and it provides a good basis.

(*continued in English*)

This is a good basic document, from the mandate to the specific contents regarding the various working groups envisaged in document CD/1864. On the whole, they are equally balanced. For instance, in terms of mandate, the mandate of some working groups is negotiation. The mandate of some others is substantive discussion and that of some is to exchange views and information. The specific contents regarding the working groups are also, on the whole, balanced: some aim at a treaty, some aim at the practical steps, some aim at recommendations. This is the first point.

The second point is that it is true that delegations are apart on the important issue of the programme of work of the Conference on Disarmament. Some countries — in the context of the programme of work, in terms of mandate — want negotiations while some others insist on discussions. But, on the other hand, we should not fail to see so far the following two factors: firstly, that no one at the Conference has hitherto sought to dispute the commencement of substantive work on the basis of a comprehensive balanced programme of work, which in fact naturally covers a fissile materials cut-off treaty. The second thing that we should not fail to see is that, in fact, all parties, especially since the beginning of this year, have all come to the meetings of the Conference, in a serious and constructive manner, including on a fissile materials cut-off treaty.

So this is the basis of evolving consensus, which we should not neglect. Although some may see the above common evolving consensus, or the basis of consensus, as insignificant, it should not be belittled. On the other hand, the current Conference debate on negotiation in relation to discussion, no matter how formidable, should not be unduly emphasized, especially with the caveat that the Conference exercise is not linguistic in nature. It is axiomatic that if a treaty is reached, the process leading up to its conclusion can only be negotiations. Whereas, even if no one seeks to dispute that a negotiating process should be embarked upon, there could be considerable scepticism about whether the process might really produce something to that effect, as long as a treaty remains elusive for a prolonged period.

So we should be clear, if not clearer, about what we want: "negotiation", or a fissile materials cut-off treaty? This is a question I think we should reflect on very seriously. If a fissile materials cut-off treaty is really the aim, we should reflect on this question seriously and on the basis of CD/1864.

So this is in fact how we feel, especially on the basis of what has transpired during the Chinese presidency. I would like to share that feeling with you, especially for the future president in relation to the programme of work. In view of the current status, especially the differences on the programme of work, China does not envisage tabling a programme of work, nor does it envisage coming up even with a non-paper in my personal capacity. But I really hope that we will be focused on the real effect and really focus on the objective, with innovative thinking. So, I would like to share this with you, from my national perspective, as far as the question of the programme of work is concerned.

**The President:** I think this concludes our business for today. The next plenary meeting will take place on Thursday, 26 May at 10 a.m. in this chamber. But before that, tomorrow we will convene at 3 p.m. for an informal meeting on combined agenda items 5, 6 and 7, coordinated by Ambassador Khvostov of Belarus.

This formal plenary meeting stands adjourned.

*The meeting rose at 4.45 p.m.*