
Conference on Disarmament

14 August 2012

English

Final record of the one thousand two hundred and sixty-seventh plenary meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 August 2012, at 10.10 a.m.

President: Mr. Jean-Hugues Simon-Michel(France)

The President (*spoke in French*): I suggest that we begin. Good morning colleagues, distinguished Ambassadors. I call to order the 1267th plenary meeting of the Conference on Disarmament.

As indicated in document CD/WP.571/Rev.1, entitled “Revised draft schedule of activities”, today’s plenary meeting will focus on items 5, 6 and 7 of the Conference agenda, entitled, respectively: “New types of weapons of mass destruction and new systems of such weapons; radiological weapons”, “Comprehensive programme of disarmament” and “Transparency in armaments”.

Before opening the discussion on these matters, I would like to ask whether any delegation wishes to take the floor in order to address any other matter.

It appears not.

As my Finnish predecessor did before me, I have sought the assistance of the United Nations Institute for Disarmament Research (UNIDIR) in order to structure our discussions. Following the approach taken in the discussions held on the other agenda items of the Conference, I will therefore read out, upon my sole responsibility, a few introductory remarks prepared by UNIDIR in connection with the three items to be discussed today.

Please note that, in this presentation, the term “Conference” sometimes refers to the bodies that preceded the Conference on Disarmament.

I shall now read out the UNIDIR text.

Item 5 of the provisional agenda: New types of weapons of mass destruction and new systems of such weapons; radiological weapons

This issue was first presented to the United Nations General Assembly in 1969 by Malta, and the Conference on Disarmament in turn was tasked with considering the implications of possible military applications of laser technology. Early conclusions of the Conference on Disarmament were that (a) laser technology applied to weapons did not warrant consideration at that time, and (b) the possibilities of radiological warfare were of limited significance for arms control.

In 1975, however, the then Soviet Union tabled a draft international agreement in the General Assembly on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons. When discussion of the item resumed in the Conference on Disarmament, the USSR indicated that its purpose was to cover “ray” (i.e., radiological) weapons affecting human organs and behaviour as well as genetic weapons affecting heredity. But Western States, while supporting efforts to ban particular weapons of mass destruction, objected to the conclusion of a comprehensive convention banning unspecified future weapons.

This issue also arose at the first special session of the General Assembly devoted to disarmament (SSOD-I). The final document included a compromise between a general prohibition approach and the idea of specific agreements and stated that “a convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons”.

During the 1980s, a subsidiary body on radiological weapons considered a number of working papers but no consensus emerged. Since 1993, no subsidiary body has been re-established. In 2002, Germany tabled a discussion paper for revisiting the issue in light of new threats. The item was also discussed in 2006 in plenary, and from 2007 onwards in informal settings. Discussions remain inconclusive. As with agenda items 6 and 7, delegations have not envisaged

reconvening a subsidiary body, preferring instead the appointment of a special coordinator to seek the views of members on the most appropriate way to deal with this issue.

Item 6 of the provisional agenda: Comprehensive programme on disarmament

The comprehensive programme of disarmament has its origins in article 11 of the United Nations Charter. Under that article, the General Assembly is mandated to consider and make recommendations on “principles governing disarmament and the regulation of armaments”. Then in 1969, when declaring the 1970s as a Disarmament Decade, the General Assembly requested the Conference on Disarmament to elaborate a comprehensive programme on all aspects of the cessation of the arms race and general and complete disarmament under effective international control. SSOD-I did likewise.

Interestingly, SSOD-I also requested the United Nations Disarmament Commission to consider the elements of the comprehensive programme of disarmament and submit its recommendations to the General Assembly and, through it, to the Conference on Disarmament. The Disarmament Commission duly elaborated the “Elements of a Comprehensive Programme of Disarmament” and submitted them to the Conference on Disarmament.

The item “Comprehensive programme of disarmament” has been on the Conference on Disarmament’s agenda since 1980. That year, a subsidiary body adopted an outline of the programme. While there was a measure of agreement on several elements of the outline, fundamental divergences of views emerged on actual measures and stages of implementation and their time frames. Many Conference on Disarmament members argued that the programme should include a firm commitment to its implementation but there was disagreement over whether that commitment should be expressed in legally binding terms.

Since 1989, the item has not been considered as requiring a subsidiary body although over the years special coordinators have been appointed to consult members on its future. In recent years, coordinators appointed by the Presidents of the Conference have chaired informal plenaries during which delegations raised a broad range of issues, both on conventional armaments and nuclear weapons. While some members saw value in resuming consideration of the comprehensive programme of disarmament under the original mandate, others argued for reviewing what they saw as a predominantly nuclear agenda of the Conference on Disarmament and updating it with items on conventional weapons.

Item 7 of the provisional agenda: Transparency in armaments

During the 1991 session of the General Assembly, the European Union and Japan sponsored a resolution on transparency (A/RES/46/36L). Recalling the 1990 Gulf War, the resolution asserted that no single State, especially in areas of tension, should be able to strive for levels of armaments that did not bear any relationship to its self-defence needs. The Conference on Disarmament was requested to address the question of the excessive and destabilizing accumulation of arms and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field.

Initially, there was no consensus in the Conference on Disarmament on inscribing this issue as an agenda item. However, agreement was eventually reached to hold informal meetings chaired by a special coordinator. In 1993, the Conference on Disarmament established an ad hoc committee on transparency in armaments.

Disagreement soon emerged over whether resolution A/RES/46/36L did or did not limit the mandate just to the United Nations Register of Conventional Arms. Some members took the view that the subsidiary body should focus on the gradual expansion of the Register to include all categories and types of arms including weapons of mass destruction. Other States, however, opposed inclusion of weapons of mass destruction in the Register because to do so would imply international acceptance of transfers of such weapons.

Work in the ad hoc committee came to an end in 1995, when members were unable to reach agreement on its re-establishment. Since then the issue has been handled mostly in informal plenaries under special coordinators. The item has become a place of convenience for raising issues about conventional weapons rather than for seeking new agenda items to cover those issues.

That is the end of the UNIDIR text.

At this stage, two delegations are on the list of today's speakers, Belarus and France. I therefore give the floor to the first speaker on my list, the representative of the delegation of Belarus.

Mr. Grinevich (Belarus) (*spoke in Russian*): Mr. President, our delegation's statement will focus on item 5 of the agenda of the Conference on Disarmament.

We are of the view that the issues of highest priority for our negotiating forum continue to be the first four agenda items. We believe that action by the Conference in other areas will be possible only insofar as these core issues are resolved. Belarus considers it appropriate to retain item 5 of the Conference agenda in its current wording.

Belarus has traditionally sponsored resolutions in the United Nations General Assembly on the prohibition of the development and production of new types of weapons of mass destruction and new systems of such weapons.

We are grateful to those delegations that supported our draft resolution on the matter during last year's session of the General Assembly. We would like to express particular gratitude to those States that joined us in sponsoring the resolution.

In the light of the content of this document (General Assembly resolution 66/21 of 2 December 2011), Belarus supports proposals previously put forward at the Conference calling for the drafting of a universal international treaty or convention on the prohibition of the development and production of new types of weapons of mass destruction and new systems of such weapons.

We believe that the drafting and adoption of such an international legal instrument would be in the interests of the entire international community. We are of the view that such a document could create a solid legal foundation for countering the development and production of new types of weapons of mass destruction. As advocates of a preventive approach, we believe that the international community should undertake all possible measures to draw up such an international legal instrument before the use of such new types of weapons of mass destruction becomes a reality.

However, being realistic, we believe that a detailed discussion on the prohibition of new types of weapons of mass destruction will become possible only after the resolution, step by step, of the core issues on the Conference agenda. It will be possible to start negotiations on a comprehensive ban on new types of weapons of mass destruction only when there is broad international consensus on the issue in question, including support for the process by all key States.

It should not be forgotten that current international law contains a number of important standards directly related to the matter of new types of weapons of mass destruction.

We view the provisions of the First Protocol Additional to the Geneva Conventions of 1949 as providing an important legal basis for countering the development and production of new types of weapons of mass destruction.

In particular, article 36 of the Protocol to the above-mentioned Conventions stipulates: "In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party."

Another key instrument is the 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, which introduced a ban on the premeditated use of natural processes capable of inducing such phenomena as earthquakes, hurricanes, tsunamis, tidal waves or changes in climate conditions.

A key element of the Convention is article VIII, which provides for the possibility of convening conferences to examine the operation of the Convention. We note that no such review conferences have taken place since 1992. Under the present circumstances, with various experts raising the issue of the stalemate in the Geneva negotiating forum or the Geneva disarmament community, we propose, and are submitting a working proposal to that effect, that the possibility of convening such a review conference should be studied.

Belarus supports the efforts of the international community to ensure the universality of these legal instruments, as well as strict compliance with the provisions of the international legal documents in question by all States parties.

The President (*spoke in French*): I thank the delegation of Belarus for its statement and I now give the floor to the next speaker, the Ambassador of India, Ms. Sujeta Mehta.

Ms. Mehta (India): Mr. President, this is the first time my delegation has taken the floor under your presidency and I would like to begin by congratulating you on assuming the presidency of the Conference on Disarmament. We appreciate very much your transparent and thoughtful leadership of our forum and assure you of our full support in your endeavours. Let me also welcome our new colleagues from Finland, Indonesia and Sri Lanka.

I would now like to set out briefly the position of India on the three agenda items under discussion today.

On agenda item 5, new types of weapons of mass destruction and new systems of such weapons; and radiological weapons, let me recall that the issue of radiological weapons has been on the agenda of the Conference since 1979, following the General Assembly's call, in 1978, for a convention to be concluded prohibiting the development, production, stockpiling and use of radiological weapons. The issue was considered in ad hoc working groups during 1980 and 1983 and in ad hoc committees between 1984 and 1992. In recent years it has been part of discussions in the informal and formal meetings on the items on the Conference agenda.

Proliferation of weapons of mass destruction (WMDs) and their means of delivery is a major challenge facing the international community. In this context and as a victim of terrorism, we are fully cognizant of the catastrophic dangers that transfers of WMDs to non-State actors and terrorists could entail. To increase international awareness of the need for concerted action against the threat posed by terrorists acquiring WMDs, India has been tabling a resolution entitled "Measures to prevent terrorists from acquiring weapons of

mass destruction” in the General Assembly since 2002. The resolution is adopted by the United Nations General Assembly by consensus, and a large number of countries co-sponsor the resolution. The delegation of France tables the resolution “Preventing the acquisition by terrorists of radioactive sources” in the United Nations General Assembly, which we support.

A number of other measures have been taken by the international community to protect and secure nuclear and radiological materials. Under the International Convention for the Suppression of Acts of Nuclear Terrorism States parties are required to adopt measures to establish as criminal acts the offences set forth in the Convention. The International Atomic Energy Agency (IAEA) has taken steps to improve the regulatory framework for nuclear security. The Convention on Physical Protection of Nuclear Material has been strengthened, as has the Code of Conduct on the Safety and Security of Radioactive Sources. United Nations Security Council resolution 1540 (2004), the Global Initiative to Combat Nuclear Terrorism, and the Nuclear Security Summit have also played an important role in this context. India participates in these processes fully and has contributed to them. We believe that the Conference should continue its consideration of agenda item 5 with a view to adopting one or more international instruments that would address the threat posed by new types of WMD, including radiological weapons.

On agenda item 6, comprehensive programme of disarmament, we note that the Final Document of the first special session of the General Assembly devoted to disarmament stresses that action on the priorities set out therein should lead to general and complete disarmament under effective international control, which is the ultimate goal of all efforts exerted in the field of disarmament. We believe that the intention behind this agenda item is to elaborate a programme which would place specific measures relating to disarmament in a carefully considered plan that sets out objectives, priorities and time frames with a view to disarmament being achieved on a progressive basis. A comprehensive programme would include not only nuclear disarmament, which remains our highest priority, but also other weapons and weapon systems which are crucial for maintaining international peace and security. The principles of a comprehensive programme of disarmament should be universally applicable and relevant. In this regard, the Conference would play an important role as the sole multilateral disarmament forum with the mandate to negotiate legally binding instruments of global applicability. Through this, the central role and primary responsibility of the United Nations in the sphere of disarmament in accordance with its Charter would be strengthened.

On agenda item 7, transparency in armaments, we believe that transparency is a necessary tool for confidence-building and enhancing mutual trust among States. As with other confidence-building measures, measures to promote transparency in armaments should be mutually agreed upon by all States; only then would it be possible to secure the widest possible participation of States and contribute effectively to the process of confidence-building. Measures to enhance transparency in armaments must also respect the inherent right of States to self-defence, as enshrined in the Charter of the United Nations. Such measures cannot restrict or prejudice the legitimate right of States to acquire or produce arms for self-defence and in pursuit of their foreign policy and national security interests.

Two major instruments promoting transparency in armaments are the United Nations Register of Conventional Arms and the United Nations Standardized Instrument for Reporting Military Expenditures. India has supported the United Nations Register as an important global confidence-building measure and has submitted regular national reports to the Register on the exportation and importation of conventional arms. India has also participated actively and constructively in the three-yearly reviews of the Register. India would support efforts for further improving the Register along with efforts towards

universalizing participation in it. We have also supported the resolution on objective information on military matters, including transparency of military expenditure. India contributed to the work of the Group of Government Experts on the Standardized Instrument for Reporting Military Expenditures in 2011. India has submitted national reports under the United Nations Programme of Action on Small Arms and Light Weapons and the Convention on Certain Conventional Weapons. We support continuing consideration of this agenda item by our Conference.

The President (*spoke in French*): I thank the Ambassador of India for her statement. I now give the floor to the delegation of the Islamic Republic of Iran.

Mr. Daryaei (Islamic Republic of Iran): Mr. President, allow me at the outset to express our appreciation for all of your efforts during the presidency and the manner in which you are guiding the Conference.

The increase in military expenditures is alarming today. The direct consequences of this trend are imposed on ordinary people everywhere, as they are deprived of better living standards, welfare and a better education for their children. In our view, General Assembly resolution 46/36, adopted in December 1991 as the basis of the whole initiative and the main frame of reference for transparency in armaments, has not been fully and faithfully implemented. We have declared our position that transparency in conventional arms without transparency in weapons of mass destruction is unbalanced, inadequate and lacks comprehensiveness, particularly in the sensitive region of the Middle East where one non-party alone to the NPT maintains unsafeguarded nuclear facilities and continues to develop and increase its nuclear weapons.

It is a bitter reality that the illicit arms trade has negative consequences for innocent people. The Islamic Republic of Iran, being aware of the consequences and effects of illicit arms trade, principally, upon innocent people, welcomes all attempts leading to the prevention and eradication of the illicit arms trade.

Taking into account what happened recently with the arms trade treaty, we are of the view that priority should be given to implementing the provisions of existing documents on the arms trade rather than inventing new documents. A tremendous effort has already been made by the international community with the conclusion of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was adopted by consensus in 2001 and then further improved later. All these efforts, which represent a multilateral progressive approach, should not be abandoned or overlooked. Regrettably, the provisions of the Programme of Action have not been fully implemented and duly supported by certain major exporters of such weapons. The Islamic Republic of Iran is of the view that a lofty goal such as the realization of international and regional peace and security can be attained only in the light of genuine international cooperation. Moreover, Iran believes that multilateralism is the core principle of negotiations on disarmament and non-proliferation aimed at promoting international peace and security.

We reaffirm the sovereign and inherent right of States to acquire, manufacture, export, import and retain conventional arms for their self-defence and security needs in accordance with Article 51 of the Charter of the United Nations. Any arrangement for regulation of conventional armaments should be in conformity with the purposes and principles of the Charter of the United Nations.

The need for universal, legally binding treaties prohibiting the development and manufacture of new weapons of mass destruction was discussed here at the Conference on Disarmament many times. This need has also been reconfirmed by the adoption of a United Nations General Assembly resolution prohibiting the development and manufacture of weapons of mass destruction. That shows the need to review periodically the growing use

of technology in the development by some countries of new WMDs. In fact, some countries use the influence of their scientific and technological advancements as an inventive tool for the design of new types of weapons of mass destruction. These weapons have the same serious indiscriminate effects on innocent people as prohibited weapons of mass destruction. We believe that the criteria applied with regard to the illegality and illegitimacy of prohibited weapons of mass destruction, namely, mass killing, unnecessary suffering, indiscriminate effects and serious damage to humans, animals and the environment, are also valid for the definition and prohibition of new types of weapons of mass destruction. Therefore, there is an urgent need to adopt some preventive measures and alleviate this international security concern. The international community should consider elaborating such a legally binding instrument before the production of these new weapons of mass destruction becomes rampant. The Conference on Disarmament is the most appropriate forum for discussing the definition of the new types of weapons of mass destruction and for reviewing new categories of weapons of mass destruction that match that definition.

The President (*spoke in French*): I thank the delegation of the Islamic Republic of Iran and now give the floor to the delegation of Algeria.

Mr. Khelif (Algeria) (*spoke in French*): The delegation of Algeria has asked for the floor simply to obtain clarification about the document that you submitted to us, Mr. President. We would like to say first that we appreciate this initiative, which is an attempt to remind us of the background to and history behind agenda items 5, 6 and 7, and to express thanks to UNIDIR for its hard work in compiling this document.

It may be that details were provided at the beginning of the meeting before my delegation arrived, but I would like to know what the status of this document is. Given that it bears the symbol CD/INFORMAL/219, is it a document of the presidency or the Conference? We have not seen a document with this kind of symbol before, and we would therefore like to know whether and how it will be reflected in the annual report.

The President (*spoke in French*): As I said in my introductory remarks, I have sole responsibility for the presentation of this document. As the original was in English, I asked for it to be translated into French by the secretariat, as is required under the rules on the languages of the United Nations. The document was thus circulated at my request and carries a symbol. Of course, as I said, and I now repeat, I take sole responsibility for its presentation and circulation.

I now give the floor to the next speaker, the Ambassador of the United Kingdom of Great Britain and Northern Ireland, Ms. Adamson.

Ms. Adamson (United Kingdom of Great Britain and Northern Ireland): Mr. President, as others have said, thank you for guiding us through these sessions so diligently and with papers as a basis for that. I personally found your paper today extremely useful, since we don't often cover items 5, 6 and 7. I thought it was very useful to have that in front of us and, in particular, looking at item 7, you mentioned that people use this as a convenient opportunity to talk about conventional weapons in general, and I will now seize the opportunity.

I did want to pick up on a couple of things that have been discussed this morning, first on the United Nations Programme of Action on Small Arms and Light Weapons. I very much agree with my Iranian colleague that we need to take a good look at this instrument and whether it is meeting its objectives, whether it is fulfilling its goals. In fact, in a couple of weeks' time, delegates will be in New York for the Review Conference on the Programme of Action and certainly the United Kingdom delegation is preparing already for that meeting and looking forward to a good exchange. We do indeed think that we need to have a look at the past elements of this Programme. Is it working? Why is it not working? What we need to do to improve it? And even before we set ourselves any

ambitious goals for changing it, we need to look at why it is not working, if it isn't, and what we can do to bolster it. This instrument is very important to a lot of countries around the world, so my delegation in New York will certainly pay sufficient attention to that document.

I also wanted to briefly touch on the arms trade treaty. Many of us were in New York for the month of July and I wanted to recall a statement delivered by Mexico on behalf of some 90 countries on the last day of the Conference, where we reflected, and first of all through you, Mr. President, and through my colleague from Argentina. I would like once again to reiterate my country's thanks to Roberto García Moritán for his leadership and tireless efforts in the month of July during the Diplomatic Conference.

We, the United Kingdom delegation, went to New York to achieve a strong and robust arms trade treaty and we had hoped to adopt the treaty at the end of the Conference. I said on 27 July that we could have adopted the text before us: we could have joined consensus on that text. We thought we were very close to reaching our goals. It is often tempting to look at the last day and the ultimate result as the only thing that matters, but I think we did a lot of good work in that month before and we did a lot of listening to each other way into the small hours of the morning. I think every country in this room, probably their delegate, at some point contributed to the discussion, and I think it really was a very interesting, very useful month that we had together.

On 27 July, Mexico, speaking on behalf of those 90 countries, said that we were disappointed the process had not come to a successful conclusion that day. We were disappointed, but we were not discouraged. Certainly, the United Kingdom remains in that place. We think that the text which was on the table on 27 July enjoyed the overwhelming support of the international community as a basis for carrying forward our work. We recognized then, along with those other countries, that additional working efforts were needed. So, in conclusion, we ask the President to report to the General Assembly on the progress we have made so that we can finalize our work, and we do look forward to the President sending his report to the General Assembly. For my own delegation, I want to reiterate that we are determined to secure an arms trade treaty as soon as possible, one which will bring about a safer world for the sake of all humanity.

The President (*spoke in French*): I now give the floor to the delegation of the Russian Federation. Mr. Vasiliev, you have the floor.

Mr. Vasiliev (Russian Federation) (*spoke in Russian*): Mr. President, this is not the first statement by the Russian delegation under your direction. Nevertheless, I once again take great pleasure in welcoming your accession to the post and congratulating you on your success in carrying out your duties.

The delegation of the Russian Federation had the opportunity to address the issues under discussion today during earlier thematic discussions, so I would prefer not to repeat our earlier statements. I would, however, like to highlight two points.

Firstly, I wish to address agenda item 5, on new types of weapons of mass destruction and new systems of such weapons, and radiological weapons. As we know and as is apparent from the document that you distributed, for the preparation of which we thank you and UNIDIR, questions of scientific and technical development have always been the object of scrutiny by the international community.

We live in times of scientific and technical breakthroughs and new technologies, and, of course, we attach great importance to maintaining a body capable of tracking the possible consequences for peace and security of this scientific and technological revolution, including in the realm of disarmament. We support the initiative by Belarus and the draft resolution that it is submitting to the United Nations General Assembly. At the same time,

we note that we have to contend not just with new types of weapons of mass destruction, but also new weapons of mass disruption, as they have been described by the press. At issue, in particular, are new information and communication technologies that in today's world are just as capable of undermining stability and security as weapons of mass destruction. I would therefore once again like to emphasize that we are in favour of retaining item 5 on the Conference agenda.

I would also like to focus on one aspect of agenda item 7 – transparency in armaments. We have repeatedly advocated improving the effectiveness of the United Nations Register of Conventional Arms and, in particular, we have actively supported the inclusion in the register of a new category, man-portable air defence systems (MANPADS).

MANPADS poses a particular threat because these weapons naturally have a specific role in the illegal trade in conventional arms. Much has been done to mitigate the problem in the framework of the Wassenaar Arrangement, through enhanced monitoring of such weapons and, especially, efforts to reduce the risk of such systems falling into the hands of non-State actors and terrorists.

The export controls on MANPADS adopted in 2003 and expanded in 2007 have served as a model not only in the context of the Wassenaar Arrangement, but also in other regional arrangements, including for the Organization for Security and Co-operation in Europe. We are therefore quite taken aback now that, in the context of various conflicts, the possibility has been raised of placing man-portable air defence systems at the disposal of non-State actors; such steps are prohibited under the agreements that I have just mentioned.

The President (*spoke in French*): I thank the representative of the Russian Federation. I now give the floor to the delegation of Algeria.

Mr. Khelif (Algeria) (*spoke in French*): The delegation of Algeria has asked for the floor to address this subject again. We feel the need to do so, because the United Kingdom delegation raised the issue of the arms trade treaty negotiations that took place last month in New York.

The delegation of Algeria wishes to reaffirm that Algeria supported the negotiations from the beginning and should like them to lead to the adoption of a framework that includes agreed parameters on arms transfers.

The delegation of Algeria would, however, like to reiterate two fundamental principles that it has drawn to the attention of the Conference. The first is that the treaty must be based on or inspired by the purposes and principles of the United Nations, including the principles of non-interference, respect for countries' territorial integrity and self-determination.

On this last point, the delegation of Algeria has already made it known to the presidency that it wishes to see this principle mentioned in the preamble. Unfortunately, the text submitted omits any mention of it. The principle of self-determination is crucial, because it is such an important element of the identity of the international community today. Its observance has enabled many countries represented at the Conference to exercise the right to exist as a State, and it would therefore be difficult to flout it. If negotiations were reopened on this issue, we would like to see this principle reflected in the text of the draft treaty.

The President (*spoke in French*): I thank the delegation of Algeria and I now give the floor to the delegation of the United States of America. Ms. Kennedy, you have the floor.

Ms. Kennedy (United States of America): I wanted to say that we appreciate the background note by UNIDIR that you circulated under your own authority and are happy of

course to engage in today's topics. We note that in the note by UNIDIR with regard to new types of weapons of mass destruction — radiological weapons — the inconclusive nature of this debate is mentioned. Otherwise, as I say, we are happy to engage on it. I do note that in the 64 years since the 1948 definition of WMD, there have been no new types of WMD that have appeared. So, again, happy to engage on it, but we fervently hope that the very real problem of proliferation of known types of WMD, both by States that violate their commitments and by non-State actors, remains at the forefront of our attention. I also was going to say that I appreciated the reference to various regimes that are out there that deal with issues like radiological instruments and so on.

Now, with regard to the references that were made to the United Nations Programme of Action on Small Arms and Light Weapons, we very much support efforts to strengthen implementation of the existing Programme of Action when the Review Conference meets in New York later this summer.

Turning to the comments made by my colleague from the United Kingdom of Great Britain and Northern Ireland, I wanted to say that I very much subscribe to her statement, "disappointed but not discouraged". I think that is a good model for all of us and I would just say, although I was not among those who spent, I am sure, a very hot and humid month in New York, I wanted to very much underline that my Government continues to support an arms trade treaty, because we believe it will make a valuable contribution to global security by helping to stem illicit arms transfers. We will continue to look for ways for the international community to work together to improve international arms transfer to this regime so that weapons are not transferred to people who would abuse them. So, again, we share that disappointment that there was no time to agree on a consensus text, but we hope that all of us will subscribe to our colleague's statement that none of us should be discouraged.

Finally, I wanted to extend my congratulations to our good friends and colleagues from Pakistan on their national day. I note that, I think it is tomorrow, India and the Republic of Korea will be celebrating national days and if I miss anyone else this week, forgive me, but again all the best wishes to our colleagues.

The President (*spoke in French*): No other delegation appears to wish to take the floor and the only remaining speaker on my list is my own delegation. Please allow me, therefore, before concluding our discussions, to say a few words on behalf of France on the subject of a comprehensive programme on disarmament, which, unfortunately, does not attract the full attention it deserves.

Mr. Simon-Michel (France) (*spoke in French*): The issue of the "comprehensive programme of disarmament" is linked to the central goal of "general and complete disarmament".

General and complete disarmament has been on the agenda of the United Nations General Assembly for more than 50 years and is a priority in the work of all the institutions that form part of the disarmament machinery, in particular the Conference on Disarmament. At the first special session of the General Assembly devoted to disarmament (SSOD-I), held in 1978, it was stressed that "the ultimate objective of the efforts of the States in the disarmament process is general and complete disarmament under effective international control". Many General Assembly resolutions take their inspiration from this agenda item.

The idea of general and complete disarmament is also taken up in many disarmament treaties, beginning, of course, with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

In article VI of the Treaty, to which France attaches particular importance, nuclear disarmament is referred to in the framework of general and complete disarmament. This

means, firstly, that nuclear disarmament must not lead to a different kind of arms race, especially one involving conventional weapons. It also means that nuclear disarmament cannot be achieved without simultaneous progress in other areas of disarmament (biological, chemical or conventional weapons). Lastly, it means that progress on nuclear disarmament cannot be achieved independently of the overall strategic context.

This point is also made in the first paragraph of Security Council resolution 1887 (2009), which states that our efforts “to seek a safer world for all and to create the conditions for a world without nuclear weapons” will be pursued “in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons”, which includes, therefore, the goal of general and complete disarmament, “in a way that promotes international stability, and based on the principle of undiminished security for all”, that is to say, taking into account the overall strategic context.

Although, in spite of everything, there has been significant progress on disarmament in relation to weapons of mass destruction, the same cannot be said for other areas of disarmament.

With the NPT, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Comprehensive Nuclear-Test-Ban Treaty — I am listing these treaties, which were all drafted by the Conference on Disarmament, in chronological order — we have a strong set of conventions on weapons of mass destruction. It is true that there is still work to be done to secure universal ratification, and France calls on all States that have not yet done so to ratify these conventions. It is also true that more work on nuclear disarmament is needed. In this connection, France calls for the immediate commencement of negotiations at the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons. Following on from the establishment of the Comprehensive Nuclear-Test-Ban Treaty, which opened the way for action to be taken on the qualitative component of nuclear disarmament, the next logical step is to take action on the quantitative component, meaning the material used to manufacture nuclear weapons.

The fact remains, however, as I have said, that we are fortunate to have a sound foundation in place in terms of conventions.

The same may be said about the reduction of arsenals. In my country, we have completely dismantled the land component of our nuclear deterrent and halved the number of nuclear warheads in the 20 years since France acceded to the NPT in 1992. That is significant.

The results are not so positive when it comes to the proliferation of delivery systems for weapons of mass destruction and conventional disarmament.

The threat to international peace and security posed by the proliferation of missiles capable of delivering weapons of mass destruction has been repeatedly underlined by the Security Council, particularly in its resolutions 1540 (2004), 1887 (2009) and 1977 (2011).

France fully supports the Hague Code of Conduct against the Proliferation of Ballistic Missiles, which has now been in force for 10 years. It calls for universal endorsement of the Code and underlines its importance for strengthening transparency in regard to ballistic missiles.

With regard to conventional disarmament, our efforts for more than 30 years have focused on humanitarian disarmament, in other words, the conclusion of treaties to eliminate or restrict the manufacture, possession or use of types of weapons that produce damage that is unacceptable in humanitarian terms. In particular, these instruments include:

the Convention on Certain Conventional Weapons of 1980 and its five protocols; the Ottawa Convention on anti-personnel mines; and the Oslo Convention on Cluster Munitions. France, of course, attaches great importance to these instruments and calls for their universalization.

Small arms and light weapons, which are at the root of the majority of deaths around the world, seriously undermine stability in certain regions of the world and have often been likened to weapons of mass destruction in certain vulnerable States, and Africa in particular, we still have only political instruments. France hopes that the forthcoming review conference of the United Nations Programme of Action on small arms and light weapons will produce useful recommendations to promote the implementation of the Programme of Action by all States.

These areas — humanitarian disarmament and the control of small arms and light weapons — are crucial from the point of view of France, but only cover the lower end of the conventional arms spectrum.

The problem of other conventional arms has thus far been addressed only through limited initiatives, such as the United Nations Register of Conventional Arms, which, while useful, mostly with regard to transparency, are limited in scope in the global context. For the most part, conventional arms control is left, at best, to regional agreements, such as those established by the Organization for Security and Co-operation in Europe, which France would like to see strengthened and updated.

Hence, the importance of the draft arms trade treaty, especially for regulating legitimate trade.

Indeed, the treaty must cover the whole spectrum of international transfers of conventional arms, from heavy equipment to small arms and light weapons and ammunition. It must be based on two fundamental goals: the regulation of legitimate trade and the prevention of illicit trafficking. Naturally, it would have significant benefits in terms of preventing violations of international humanitarian and human rights law and addressing security issues outside the military sphere, including the fight against terrorism and organized crime. The treaty would also serve the general purpose of contributing to international peace and security, issues that were clearly addressed in President Moritán's final draft document, circulated on 26 July.

France regrets the way in which the United Nations Conference on the Arms Trade Treaty ended on 27 July, when a satisfactory agreement was within our grasp. France, however, will not give up. With its partners, it will continue to strive for agreement on an ambitious text.

The international community needs to pursue its efforts to regulate the world arms trade. The General Assembly, which received the report of the President of the Conference on the Arms Trade Treaty, will need to look closely at how to take the process forward.

The work of these past few weeks has not been in vain. The draft of 26 July, which contains agreed wording that should be retained, should be considered the basis for negotiations.

France is still ready to endorse all the main points of draft text produced at the treaty negotiation conference including the treaty's aims and objectives, its scope, in terms of the equipment covered, and implementation parameters and procedures. The draft is not perfect and, as we have pointed out, France would have especially liked to see stronger and clearer language on ammunition and technologies.

Reaching agreement on the adoption of this treaty on the basis of the 26 July draft will remain a major challenge for us in the coming months.

This fundamental treaty was negotiated by an ad hoc conference set up by the General Assembly, and not by the Conference on Disarmament. Nevertheless, the Conference on Disarmament also has a mandate on which we could draw to see how we can revitalize our institution.

The Conference needs to pay greater attention to the problem of conventional weapons, given the impact of their use on the ground and the threat that the accumulation of these weapons poses to regional and international security and stability.

Obviously, the issues of disarmament and arms control are intertwined and must be addressed through a holistic approach.

The President (*spoke in French*): I have concluded my statement on behalf of France and I see that the delegation of Algeria wishes to take the floor again.

Mr. Khelif (Algeria) (*spoke in French*): Mr. President, we apologize for again taking the floor, but we would like to add something before you close the meeting. Your statement on behalf of France regarding nuclear disarmament and general and complete disarmament has prompted us to respond in order to stimulate further discussion.

You mentioned the issue of nuclear disarmament within the framework of general and complete disarmament, referring to article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. It appears to us that you see nuclear disarmament as following on from or being contingent upon progress being made on disarmament in connection with conventional arms and weapons of mass destruction.

Nuclear disarmament is a priority for us and should not be tied to the parameters of negotiations on other issues. Article VI of the NPT is clear on that point. The article provides that States parties to the NPT must undertake to pursue negotiations in good faith relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and agree on general and complete disarmament under strict and effective international control. It is the view of the delegation of Algeria, which I believe to be shared by many delegations representing non-nuclear-weapon States, that nuclear disarmament should in no way be made conditional upon progress in other areas of disarmament. You mentioned the Final Document of the special session of the General Assembly of 1978 (the so-called Decalogue), in which the logic is quite clear, especially the Programme of Action setting out the priority tasks that the international community was supposed to undertake after 1978, with nuclear disarmament at the forefront of those priorities. The International Court of Justice further clarified the position, in its advisory opinion of July 1996, in which it concludes that there exists an obligation to implement nuclear disarmament under strict and effective international control. That implied an obligation to employ adequate means and to achieve results. The Decalogue also lists other priorities in relation to the forms of disarmament (biological, chemical and other weapons of mass destruction) that we are discussing today. Only thereafter is conventional disarmament mentioned.

While norms have been established providing for the prohibition of nuclear, biological and chemical weapons, unfortunately, the same logic has not been applied in respect of the most destructive weapons that may be truly described as weapons of mass destruction, in other words, nuclear weapons, which are still afforded some measure of legitimacy because they serve the interests of certain parties. The delegation of Algeria considers that this interpretation, by tying progress on nuclear disarmament to progress on disarmament in respect of other weapons of mass destruction, particularly conventional weapons, could serve to undermine the non-proliferation regime itself.

The President (*spoke in French*): Since no other delegation wishes to comment on the agenda items, I would now like to give the floor to our Deputy Secretary-General and then to the German Ambassador, who will take over the presidency from next Tuesday.

Mr. Sareva (Deputy Secretary-General of the Conference): Mr. President, let me first of all thank you for your good work during these past several weeks in presiding over the work of the Conference. The reason why I wanted to take the floor this morning has to do with the fact that our Secretary, Mr. Valère Mantels, will be leaving us. Today is his last day in the office. He will be transferring to New York to be the next Mr. NPT of the United Nations, at the Office for Disarmament Affairs (ODA) in New York, and I wish to first of all thank him for his good work, for his friendship, for his dedication to the ideals and principles of the United Nations and to those of disarmament and to congratulate him on his well-deserved transfer to New York. Valère, I would actually quote my favourite rock musician, Tom Petty, who when describing his lead guitarist, Mike Campbell, said “Mike, you have been the co-captain of the team” and I think that goes for you so I thank you for your friendship and wish you well.

Before closing, I would say that you have been in Geneva for close to 10 years and you have seen the Conference on Disarmament unfortunately not engaged in substantive work and negotiations but you haven’t let that get you down and you have soldiered on in an exemplary way, fulfilling your duties even if at times it must have been difficult to find motivation. But you have done well. I know that this transfer is important for you, simply at the personal level it will mean family reunification for the whole family. So, I do congratulate you and I’m sure our paths will be crossing and those of you who are members of States parties to the NPT will be meeting Valère in his new capacity.

The President (*spoke in French*): I give the floor to the Secretary of the Conference.

Mr. Mantels (Secretary of the Conference on Disarmament) (*spoke in French*): It is not customary for the Secretary of the Conference to take the floor in order to congratulate a president but I will do so anyway, as I am not known for adhering strictly to diplomatic rules and customs. I congratulate you and your predecessors, and I wish your successor, Ambassador Hoffmann of Germany, all possible success.

(*spoke in English*)

Jarmo, thank you very much for those kind words. Delegates, I wish only to thank you all for your collegiality, for your friendship, for your extreme professionalism. As Jarmo said, I have been here 10 years. I have not seen any negotiations but it has been quite an interesting road, it’s been a long road. I hope I’m not going from one body where there’s a lot of frustration to another body where progress is also direly needed, but I’ll do my best. I tried in my capacities here in Geneva to treat all States, all delegations, equally, no discrimination, and that is what you have to do once you sign up for a job in the United Nations. I think I’ve been fair to everybody. I’ve been supportive of everybody, and I hope that that feeling is mutual.

The President (*spoke in French*): I give the floor to the Ambassador of Germany, Mr. Hoffmann.

Mr. Hoffmann (Germany): It is a good custom that the incoming President takes the floor to thank the outgoing President for his work and I am most pleased to do that. As a result of the wisdom of our predecessors, our presidencies are very short, and one can of course debate whether this is an effective system or not, but this is not the right place to do it. But I think what one can say is that you have handled your presidency very effectively and very efficiently, and that in spite of the fact that you were indeed in New York while we were having holidays here, you were working hard in July as head of the French arms trade treaty delegation. We had a series of very interesting debates here about core issues, and I think this was helpful for delegations to refresh their memories about positions of delegations on these core issues. I would like to thank you for that and I would like to thank you for the manner in which you have conducted our work. I will certainly try to carry on the good work which has been done. Finally, let me also join the Deputy Secretary-General

in thanking Valère Mantels for his always very helpful and cooperative manner and I thank him for his good wishes for my presidency. So, all the best on your way from this Conference to NPT.

The President (*spoke in French*): I thank the Ambassador of Germany.

And so we have reached the end of the French presidency. I would like to make a few brief concluding remarks.

Like my predecessors, I endeavoured to hold in-depth consultations from the first week of this presidency with the coordinators of the regional groups and with many of the delegations. Indeed, it seems to me that it is incumbent on each and every president to do whatever is possible, even at the end of the year or at the end of the session, to facilitate the adoption of a programme of work.

Unfortunately, I was unable to conclude, based on the consultations, that the situation had changed significantly since last March or that it was possible to reach a consensus. Naturally, this is a source of regret.

The French presidency has sought to ensure continuity. We followed the calendar of activities established during the presidency of Ethiopia and pursued substantive discussions. Many of you addressed all the issues presented for discussion, often in interactive debates, in particular the subject of a fissile material treaty, although these main agenda items, excluding today's, had already been discussed during the Ethiopian and Finnish presidencies. I thank you for your active participation, which has rendered our discussions lively and interesting.

Now that these four weeks of my presidency have come to a close, I would like to thank the Secretary-General, the Deputy Secretary-General, Mr. Jarmo Sareva, Mr. Valère Mantels, who was tasked with assisting me with the preparation of statements in French, and the whole team at the United Nations Office for Disarmament Affairs for their assistance. I join the Deputy Secretary-General of the Conference on Disarmament in congratulating Mr. Mantels on his new appointment in New York. I wish to say to Mr. Mantels that, although we will miss him at the Conference on Disarmament, we are glad that we will see him again in the context of follow-up to the Treaty on the Non-Proliferation of Nuclear Weapons, a process in which most of us are involved. Therefore, we are not saying farewell, but rather until next time. We will meet again soon. Moreover, we will meet in Geneva, since the next session of the Preparatory Committee of the NPT Review Conference will be held here in 2013.

I would like once again to thank my colleagues in the group of six Presidents for their fine work and collegiate spirit and, lastly, I would of course like to express my warmest thanks to the interpreters.

I now pass the baton to Mr. Hellmut Hoffmann, Ambassador of Germany, who will have the difficult task of leading negotiations on the report of the Conference on Disarmament to the General Assembly.

Our work is thus completed for today.

The next plenary meeting of the Conference will be held under the presidency of Germany, next Tuesday, 21 August, at the somewhat unusual time of 3 p.m., in this room.

The meeting is adjourned.