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# Conference on Disarmament

24 June 2014

English

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## Final record of the one thousand three hundred and twenty-first plenary meeting

Held at the Palais des Nations, Geneva, on Tuesday, 24 June 2014, at 10.05 a.m.

*President:* Mr. Anthony Andanje ..... (Kenya)



**The President:** I call to order the 1321st plenary meeting of the Conference on Disarmament.

As this is the first time that I am taking the floor as President of the Conference on Disarmament, allow me to make a statement in this capacity.

It is a great pleasure and honour for me to preside over the Conference on Disarmament as President. Kenya attaches great importance to multilateral diplomacy. Disarmament, international peace and security is at the heart of my country's foreign policy. In our increasingly interdependent world, none of the serious problems we face can be solved by any of us alone. Whatever happens in our part of the world can impact on those in other parts.

I would like to take this opportunity to express my profound appreciation for the important work carried out by my predecessors, the Ambassadors of Kazakhstan, Japan, Italy and Israel. Their interaction has enhanced our coordination and cohesion and, above all, has contributed immensely to the effective functioning of successive Presidents. I thank them for the excellent work which is the basis of our ongoing deliberations. I will endeavour to uphold the spirit of cooperation among the session's six Presidents throughout my presidency.

I thank the secretariat for their invaluable contribution as an important repository of background information on the Conference on Disarmament.

Since January, the Conference has made commendable progress in its work. The informal working group was re-established, and I understand it will begin its work in late July.

Significantly, we have made steady progress under the schedule of activities. Work on substantive agenda items 1 to 4 is complete.

I have learned that the respective coordinators are preparing their reports. Work on agenda items 5, 6 and 7 commences tomorrow and will, I believe, be concluded on Friday. The debate on the substantive agenda items has been frank, unrestrained and occasionally interactive. This is very unusual in the Conference. In my view, we have exceeded expectations.

The coordinators deserve credit for their professionalism and commitment. Their background papers have been very useful and complemented by the presentations of experts. Our work has been enriched as a result.

Delegations also deserve praise for the enthusiasm they have shown and the high quality of debate that has characterized our deliberations. The degree of flexibility and openness to various reflections and perspectives has been encouraging.

As you may perhaps be aware, my presidency will be interrupted by the intersessional period for four weeks. It is my intention to continue my consultations with delegations, coordinators and the Co-Chair and Vice-Co-Chair of the informal working group. I reaffirm my commitment to conduct my mandate in an open and transparent manner, bearing in mind the interests and concerns of delegations. I welcome proposals that can help move our work forward.

I envisage that, under my presidency, I will receive reports on substantive agenda items from coordinators in accordance with the decision contained in document CD/1978.

I am under no illusion. The fact that our deliberations have been conducted in an informal setting is not lost on me. However, this year, unlike the preceding 16 years, we have been able to maintain a momentum which has given impetus to our work. It is a small step. Nevertheless, it is significant and could in time lead to the attainment of

our collective objective: the adoption of a programme of work and commencement of disarmament negotiations.

Finally, I look forward to working with all of you.

I would also like to use this occasion to make the following remarks in my national capacity.

Kenya is fully committed to the Conference as the single multilateral disarmament negotiating forum for the international community. This is especially so given the fact that nuclear weapons, and in particular the threat of their use, pose a grave danger to global security. It is our conviction that disarmament is our best protection against the dangers of nuclear proliferation. Therefore, the cessation of the production of all types of nuclear weapons and the reduction of their stockpiles until their complete destruction is not an option.

As a non-nuclear State and a member of the Group of 21, Kenya attaches the highest priority to nuclear disarmament. However, our efforts to advance our objective of a world without nuclear weapons seem to be receding. The existence of nuclear weapons imposes a permanent and intolerable threat to us all. The inability of the Conference on Disarmament to resume serious substantive negotiations over the last 17 years is a matter of great disappointment to Kenya. I believe this is the case for many other delegations here. Kenya has stated on many occasions, and most recently during the general debate of the sixty-seventh session of the United Nations General Assembly, that the failure to commence negotiations in the Conference has little to do with the lack of political will or with institutional issues, such as the rules of procedure of the Conference. The root cause lies in the Conference's external environment. The politics of competing national interests continue to define our relationships. The political environment outside the Conference remains inhospitable to cooperative multilateral diplomacy. Although we recognize that multilateral cooperation is imperative, world politics limit the incentive.

Allow me to briefly share our perspective on a number of issues that my delegation believes contribute to the deadlock in the Conference. The issue of policy is central to the lack of movement towards nuclear disarmament. Nuclear-weapon States favour slow movement towards realizing a world free of nuclear weapons, preferring instead arms control and proliferation measures to nuclear disarmament. The emphasis is on small steps rather than a comprehensive approach to the elimination of nuclear weapons. The increase in nuclear-weapon spending is being done at a time when there is increased inequality and hunger and when social services are being radically cut back. Rhetoric on reduction of nuclear arsenals is accompanied by simultaneous modernization of nuclear weapons, both warheads and delivery systems. This demonstrates the continued reliance on these weapons in security policies. We believe this is counterproductive.

Other issues include the claim that a nuclear deterrent is necessary for protection. Unfortunately, this idea is widely held by the public in both nuclear and non-nuclear States. A nuclear war can never have a winner. We must accept that nuclear arsenals pose an existential threat to the human race. We cannot choose to remain silent because this fact does not fit in our official narratives.

Kenya supports the international focus on the humanitarian consequences of nuclear weapons. While one can conceptualize the loss of life and destruction from present-day wars, it is impossible to fully comprehend the devastation which might result from accidental, mistaken, unauthorized or intentional use of a nuclear weapon until it occurs and becomes a reality. We believe that the humanitarian impact of nuclear weapons should be central to all disarmament efforts. The growing global

awareness could provide an incentive to the Conference to adopt a programme of work and commence disarmament negotiations.

In conclusion, I would like to emphasize that if we are to move ahead in the Conference, it will require a renewed genuine commitment to build on our shared interests. We should not spend the time and the resources available to us bound up in contentious debate characterized by divisive politics of national interest.

There are opportunities and constraints that accompany multilateralism, but we must realize the potential it offers to advance national security interests.

There are many proposals that delegations have submitted on the four main core issues of our agenda. Some are long-standing. My delegation believes that they provide a useful basis that we can build on if the Conference is to realize its mandate, which is multilateral disarmament negotiations.

Allow me at this stage to turn to the list of speakers. I have on my list Ukraine and South Africa. I give the floor to the representative of Ukraine, Ambassador Klymenko.

**Mr. Klymenko (Ukraine):** Mr. President, as this is the first time the Ukrainian delegation is taking the floor under your presidency, I would like to congratulate you on your assumption of this position. Let me express our highest appreciation for the efforts of the session's six Presidents and member States to reinvigorate the work of our forum, in particular by engaging in substantive informal discussions on key issues on the agenda of the Conference and by exploring possibilities for its revitalization.

My delegation would like to take this opportunity to share the views of Ukraine on proposals put forward by the Acting Secretary-General of the Conference, Mr. Møller.

Firstly, Ukraine has always been supportive of initiatives aimed at enhancing the Conference's functionality and procedural efficiency. In this regard, we welcome the idea of establishing a subsidiary body to review the Conference's working methods through raising the role of the Conference presidency and reconsidering the agenda in order to better accommodate it to the priorities of disarmament in the twenty-first century. Carry-over of previously adopted decisions will help to preclude the need for their repeated approval at the beginning of the next regular annual session of the Conference.

Though the Conference's stalemate is not rooted in the rule of consensus, which remains the only guarantee to protect the security concerns of the member States, the rule should be considered as a privilege for finding ways to reach a general agreement — not as an instrument for blocking negotiations capable of producing essential compromises. In this context, the widely exercised practice of application of this rule in procedural matters is of particular concern.

Secondly, Ukraine would like to add its voice to those who support more active participation of civil society, such as non-governmental organizations and academic experts, in the work of our forum, and welcomes the new and fresh ideas and expertise they could bring to the Conference. Moreover, they can generate a stimulus for public awareness and placing disarmament and non-proliferation issues discussed in this chamber on the broad international and public agenda.

Bearing this in mind, we consider that holding an informal Conference on Disarmament/civil society forum, hosted by the Acting Secretary-General of the Conference, should also serve the purpose of revitalization of the Conference.

Thirdly, given the diverse positions of member States concerning the priorities of work, we consider that the issue of conducting negotiations on areas of common

ground with a view eventually to producing framework conventions requires more thorough consideration.

This idea directly correlates with our endeavours to achieve a secure world free of nuclear weapons by adopting a comprehensive international umbrella agreement, such as the anticipated nuclear weapons convention, accompanied by additional protocols covering the fissile material cut-off and negative security assurances.

However, we must admit that due to the current political security situation in the world, this particular goal cannot be achieved in a short period of time with the adoption of a single treaty.

In our view it would rather require a long-term approach with practical steps and effective disarmament measures to be taken by the international community in a transparent, non-discriminatory, verifiable and irreversible manner to set up a framework of relevant, mutually reinforcing legal instruments. The “building blocks” approach could well become a viable option for this purpose.

And last but not least, reaching voluntary, politically binding agreements could certainly constitute a preliminary step ahead of starting substantive work on key Conference agenda issues. However it should not become the goal in itself, keeping the Conference from its main task — the negotiation of legally binding treaties.

At the same time, we must admit that confidence in politically binding agreements has recently been compromised. I refer here to the breach of the Budapest Memorandum on Security Assurances to Ukraine by one of its guarantor States, which failed to comply with its international commitments by engaging in overt military intervention and annexation of an integral part of Ukraine — the Autonomous Republic of Crimea — as well as by fuelling separatist movements in the eastern part of my country and providing mercenaries, munitions and training for armed terrorist groups in the regions of Donetsk and Luhansk.

To be frank, the whole truth is that on the eve of the twentieth anniversary of the Budapest Memorandum, the Russian Federation has violated almost every article of this fundamental document for the whole international security architecture except one, article 5 — use of nuclear weapons against Ukraine.

Given this fact, we are confident that there could be no substitute for internationally legally binding instruments that would assure State sovereignty, independence, unity and territorial integrity.

Proceeding from this understanding, the President of Ukraine, Mr. Petro Poroshenko, proclaimed in his inaugural speech that from now on Ukraine will seek the adoption of an international agreement that would replace the Budapest Memorandum. Such an agreement must provide direct and reliable guarantees of peace and security — including military support in the event of a threat to the territorial integrity of Ukraine.

Mr. President, summing up, I would like to reassure you of my delegation’s full support for endeavours aimed at reinvigorating the work of the Conference — the unique multilateral forum still capable of delivering tangible results despite current challenges.

**The President:** I thank Ambassador Klymenko for his statement and for the kind words addressed to me. I now give the floor to the representative of South Africa, Ambassador Minty.

**Mr. Minty (South Africa):** Mr. President, since this is the first time that I am taking the floor, my delegation would like to congratulate you on your assumption of the presidency of the Conference on Disarmament and would like to assure you of the

support and cooperation of South Africa for a successful conclusion of your presidency.

My delegation would like to thank the Acting Secretary-General, Mr. Møller, for his proposals on the future work of the Conference and subsequently the clarifications he provided on 10 June in this regard. South Africa has listened carefully to the informal debate that took place in the Conference on 17 June, which was devoted to considering Mr. Møller's proposals. In our view, there seems to be a convergence of views for enhanced engagement with civil society, and we are encouraged by this development. We therefore believe that it is important to act collectively so as to make progress in the Conference. In this context, my delegation concurs with the suggestions of the Acting Secretary-General on the identification of areas of common ground. In our view, efforts should focus on forging agreement on a possible formula that would allow the Conference to resume substantive work on the key priorities of the international community, particularly nuclear disarmament.

As recognized by the Acting Secretary-General, there is no consensus on any of the four so-called core issues, which means that without added flexibility by all Conference members, this effort is unlikely to produce results. Therefore, the idea of a framework convention or conventions may indeed provide an opportunity to bridge the gap between strongly opposing positions. A framework convention on nuclear disarmament, for example, could take many forms. One possible formula to explore is a universal, non-discriminatory, legally binding agreement towards the achievement and maintenance of a world without nuclear weapons. Such a framework agreement could include a commitment towards the conclusion of a set of mutually reinforcing agreements covering the whole range of effective measures that would be required to sustain a world without nuclear weapons, including prohibitions on their use, production — including a ban on the production of fissile material for nuclear weapons — transfer, stockpiling, testing etc., as well as effective multilateral verification arrangements.

While South Africa is not opposed to the idea of the Conference exploring voluntary, politically binding measures, these cannot serve as a substitute for legally binding agreements that should be negotiated by the Conference. If politically binding measures are pursued, they need to be geared towards the eventual conclusion of legally binding measures and not as a means to divert attention away from dealing with the threats facing the international community.

South Africa has long supported the establishment of a subsidiary body on working methods aimed at revitalizing the Conference so that this body can fulfil its negotiating mandate. We therefore agree with the Acting Secretary-General's suggestions. Some of the questions that could be addressed include, among others, the issue of continuity between Conference presidencies and sessions; whether consensus in the context of the Conference should be interpreted as unanimity, especially in relation to the commencement, as opposed to the conclusion, of negotiations; the relationship between the Conference and the United Nations General Assembly in giving effect to resolutions adopted by the latter; the content and nature of the programme of work, and whether extensive or comprehensive mandates on agenda items are necessary if there is already agreement on an agenda for the session; the role and function of regional groups; and engagement between the Conference and civil society.

South Africa supports the role of the six Presidents in improving continuity throughout Conference sessions. In my delegation's view, the rules of procedure of the Conference, particularly the consensus rule, were never intended as a veto right to stop the Conference from dealing with issues on its agenda, but rather to provide all member States with an equal voice in facilitating negotiations through a set of rules

that provides the necessary assurance that vital national and collective security interests would be adequately protected.

In addition, South Africa has also long supported enhanced engagement between the Conference and civil society, and we therefore support initiatives that could contribute towards enriching debates on issues related to disarmament.

Regarding the revised draft Treaty on Prevention of the Placement of Weapons in Outer Space submitted by the Russian Federation and China on 10 June, my delegation would like to thank these delegations for the updated text, and we welcome their commitment to the start of negotiations in the Conference on a legally binding instrument aimed at preventing an arms race in outer space. In this regard, South Africa supports the establishment of a subsidiary body on the topic and regards the draft Treaty text submitted by the Russian Federation and China as a constructive contribution. South Africa will therefore engage substantively on the contents of the draft Treaty once substantive work commences. While recognizing that this topic is undoubtedly a priority, South Africa continues to attach importance to nuclear disarmament and progress towards the establishment of the necessary legally binding instrument or set of instruments, which remains our highest priority.

**The President:** I thank Ambassador Minty of South Africa for his statement and for the kind words addressed to me. I now give the floor to the representative of the Russian Federation.

**Mr. Malov** (Russian Federation) (*spoke in Russian*): Mr. President, we would like to exercise our right of reply but, before that, since this is the first time that we are speaking under your presidency, we would like to assure you of our readiness to cooperate closely with you in the Conference on Disarmament in finding a suitable way to enhance the role and significance of the Conference and to make our work more substantive.

We would like to make just a brief comment about what the delegate of Ukraine has just said. First of all, we would like to emphasize that this is unfortunately not the first time we are witnessing a unique expert forum, like the Conference on Disarmament, being drawn into a highly politicized or, rather, an ideologically driven discussion. We believe that this is counterproductive, because we, as a Conference, have specific questions that need to be discussed and considered.

However, we would like to comment on two points made by the representative of Ukraine in his statement. The first regards the Budapest Memorandum. We have already spoken about the issue of the Budapest Memorandum on numerous occasions and at various forums, including in the Security Council and in Vienna. We would like to mention two points here and draw attention to them.

Firstly, the essence of the Budapest Memorandum is the provision of negative security assurances against the use or threat of use of nuclear weapons: the latter did not occur and of course will never occur. It is thus wrong to say that Russia did not comply with the very essence of the Budapest Memorandum. This was the first thing we wanted to say.

Secondly, with regard to the Budapest Memorandum and issues of territorial integrity and State independence, we have said on numerous occasions that the territorial integrity and, to a certain degree, the independence of Ukraine were called into question by the Ukrainian authorities themselves and by circumstances that arose within Ukrainian society. This was not something introduced from the outside. The source of the crisis lies inside Ukraine itself. To say that the territorial integrity of Ukraine was jeopardized by external threats is both unfounded and without legal grounds.

With regard to the so-called annexation of Crimea, we have addressed this matter at various forums on different occasions. Peoples have the right to self-determination: that is set out in the Charter of the United Nations. The referendum, which by the way is a format strongly supported and respected by our host country, had a turnout rate of 96 per cent of the population, with 87 per cent voting in favour of independence and the subsequent unification of Crimea with Russia. Thus, to say that some kind of military annexation occurred is wrong from a legal standpoint as well.

We would like to make one more point. In his statement, the Ukrainian representative referred to “support of terrorism”. This is a serious accusation that is absolutely unfounded. It is a strong statement to make and is not based on any kind of fact. Moreover, it does not reflect the actual situation in the east and south-east of Ukraine. I would like to emphasize that our President — President Putin — was unequivocal and unambiguous in supporting the efforts of President Poroshenko to introduce a unilateral ceasefire, in calling on opponents in the south and south-east of the country to do the same and in urging dialogue. This has been said publicly on numerous occasions. Our Minister of Foreign Affairs has said this publicly on numerous occasions.

So what is the situation right now? Although a unilateral ceasefire was called, bombing has been continuing for several days now, in addition to the use of artillery and air power. The bombing is targeting not terrorists but the peaceful population. Cities are being reduced to ruins. According to official figures, there are some 12,000 refugees, mainly women and children, living in temporary shelters in border areas. A representative of the United Nations High Commissioner for Refugees in fact recently visited these persons and worked and consulted with them. The situation is being monitored. More than 300 peaceful inhabitants have been killed, including women and children. Are these people terrorists?

The situation is by no means so clear-cut or black-and-white. Quite the contrary, it is complex and difficult. There is, so to speak, more than one version of the truth but, if there is one thing that is true, then it is the fact that, when a ceasefire is declared, it should be respected. If it is not respected, that can mean only one thing: either it is not being respected or control over the situation has been lost and forces operating outside the control of the authorities are leading the fight. Such forces do exist. There is the so-called private army of the oligarch Kolomoyskyi, which is well known to the media and comprises a few thousand persons. This extreme radical force does not answer to the central authorities. We need to understand fully the situation. It is a very rash and sweeping statement to say that the Russian Federation is supporting terrorists. At the very least, it is untrue and, at the most, it is a distortion of the facts.

The best path to resolving this complex situation is through dialogue. We need to get everybody around the negotiating table — everybody — and have a calm discussion. We need to stop, and I mean really stop, the shooting, and we need to ensure humanitarian corridors. In some recent attempts to close humanitarian corridors, 60 Ukrainian border guards were forced to cross over the Russian side because they found themselves under mortar fire.

Once again, I want to emphasize that the situation here is very complicated. It is not so simple. It is quite complex. Therefore, in order to really understand it and make sense of it in clear and minute detail, we need to engage in respectful and patient dialogue, and that is what the Russian Federation is now calling for. All parties to the conflict in Ukraine — and Russia is not a party to the conflict — need to sit at the negotiating table and begin a respectful and important dialogue that takes due account of all rights — cultural, language, economic and social — so that all parties can agree on a real ceasefire and on the form of statehood that is most appropriate for them.



**The President:** I thank the representative of the Russian Federation for his statement and for the kind words addressed to me. I now give the floor to the representative of Turkey.

**Mr. Çarıkçı (Turkey):** Mr. President, we would like to congratulate you on your assumption of the presidency and assure you of our full support.

The views of Turkey with regard to the work of the Conference on Disarmament have time and again been covered in our various statements. In the light of recent discussions, I would like to reiterate some of our views.

Turkey wishes to see the immediate resumption of substantive work in the Conference with its present membership. We see the need to urgently come up with a consensual programme of work. Such a development will pave the way towards the commencement of negotiations. It is our conviction that only then will the Conference be revitalized.

The continuing urgency is to recommence substantive work. We believe that our collective efforts should be geared towards maintaining the relevance of the Conference by fulfilling its fundamental task, which is negotiating multilateral legally binding instruments. We should like to emphasize again that the problems faced by the Conference are not created by its procedures, its membership or its internal dynamics. We would like to state that at this stage there is no consensus regarding the enlargement of the Conference and appointing a special coordinator on the expansion of the membership. Let us begin the journey from the right starting point. We should not lose our focus on the main substantive issue by introducing into our deliberations additional points of contention.

**The President:** I thank the representative of Turkey for his statement and for the kind words addressed to me. I now give the floor to the representative of the United States of America.

**Mr. Buck (United States of America):** Mr. President, as this is the first time my delegation has taken the floor under your presidency, allow me to congratulate you on assuming these important responsibilities and to thank you for your work thus far in coordination with the session's other Presidents, as you described in a very busy — and we think also thus far — successful session, and allow me to assure you of the full support of my delegation going forward.

I had not intended to take the floor but just wanted to respond briefly to the subject that has been raised by my colleagues from Ukraine and the Russian Federation.

We have had a number of exchanges and discussions in this room on this topic, and I would just emphasize that it is very much and strongly the United States view that in fact the Russian Federation did violate its commitments under the Budapest Memorandum, which we regret very much, and we think that it has undermined that confidence that is vital to important areas of our work.

At the same time, we support also very strongly President Poroshenko's implementation of the ceasefire and ongoing efforts to de-escalate Ukraine, and to ensure the peace and unity of Ukraine, and we call on all parties involved to engage in dialogue to that end.

**The President:** I thank the representative of the United States of America for his statement and for the kind words addressed to me. I now give the floor to the representative of Ukraine.

**Mr. Klymenko (Ukraine):** I would like to make some remarks with regard to what was said by the Russian representative.

There are two things on which I agree with the Russian delegate. First of all, I would like to mention that we agree that the situation in and around Ukraine is complex and not easy. Another thing on which we agree, and we are very much committed to by the way, is our commitment to dialogue. We are committed to dialogue, and in this regard I would like to draw your attention to the fact that last Friday, 20 June, a peace plan was promulgated by the President of Ukraine, Petro Poroshenko. It is a very concrete and detailed plan which will make it possible to stabilize the situation in Ukraine and bring peace and security to the regions affected by the terrorist activity on its territory.

In this regard, we are grateful for the solidarity and the support of this document by many countries of the world, including the Russian Federation, as well as by international organizations, first of all the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe. We hope that the support of this peace plan by the Russian Federation at the highest level will turn into concrete deeds, because the Russian Federation is engaged in the development of Ukraine in the regions of Luhansk and Donetsk affected by the destabilization.

At the same time, I completely disagree with the allegations made by the Russian Federation representative with regard to the violation by Ukraine of the provisions of that document. Starting from last Friday, 20 June, we completely stopped the counter-terrorism operation and we will continue our commitment until the deadline foreseen in that document. The destabilization and shootings that have taken place are caused, primarily, by the armed terrorist gang groupings on the territory of the southern and eastern regions of Ukraine.

I also completely disagree with the data provided on refugees from the territory of Ukraine. We did not hear such figures. These figures do not correspond to the facts and data provided by the authoritative international organizations which deal with refugee problems.

**The President:** I thank the representative of Ukraine for his statement.

It seems I have exhausted my list of speakers. Does any other delegation wish to take the floor? I would like to know whether the secretariat wishes to take the floor. That does not seem to be the case.

This concludes our business today. As you know, this is the last formal plenary meeting prior to the break. Part III of the Conference on Disarmament session for 2014 will start on Monday, 28 July 2014. The secretariat will inform you of the time and date of the meeting.

*The meeting rose at 10.50 a.m.*