

CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE NINE HUNDRED AND FIFTY-EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 June 2004, at 10.20 a.m.

President: Mr. Khasbazaryn BEKHBAT (Mongolia)

The PRESIDENT (translated from French): The 958th plenary meeting of the Conference on Disarmament is called to order.

At the very outset I would like to welcome warmly among us today the Under-Secretary-General for Disarmament Affairs, Ambassador Nobuyasu Abe. Your Excellency, on behalf of all delegations to the Conference and on my own behalf, I would like to express our appreciation to you for your long-standing interest in our endeavours and your sustained support to the Conference.

I should now like to invite the Conference to take a decision on the requests for participation in our work from two States which are not members of the Conference, without having first considered them in an informal meeting. These are Saudi Arabia and Sudan. These requests are contained in document CD/WP.534/Add.5.

May I take it that the Conference decides to invite Saudi Arabia and Sudan to participate in our work, in accordance with its rules of procedure?

It was so decided.

The PRESIDENT (translated from French): I have on my list for today the representative of Poland, Ambassador Przygodzki. I now give him the floor.

Mr. PRZYGODZKI (Poland): Mr. President, as I am taking the floor for the first time during your presidency, let me congratulate you on the assumption of this high office. Let me assure you of my delegation's full support to your endeavours as the President of this body. I also join you in welcoming our distinguished guest, the United Nations Under-Secretary-General for Disarmament Affairs, Mr. Abe.

The purpose of my intervention today is to share with you information about the First Anniversary Meeting of the Proliferation Security Initiative (PSI), which was recently organized by the Polish Ministry of Foreign Affairs in Kraków, Poland. The statement of the Chairman of that meeting summarized well its goals and proceedings, and I will request the secretariat to distribute it as an official document of the Conference. Please allow me now to read out that statement.

“The First Anniversary Proliferation Security Initiative (the PSI) Meeting took place in Kraków, on 31 May - 1 June 2004. The Meeting was to commemorate the first anniversary of launching the Initiative by the United States President, George W. Bush in his speech at the Wawel Royal Castle in Kraków, on 31 May 2003. Thus, the Proliferation Security Initiative will also be known as the Cracow Initiative.

“The meeting brought together senior representatives from over 60 countries. The participation of a broad representation of countries across the globe in the Anniversary Meeting confirms the growing awareness of the danger of proliferation of weapons of mass destruction, related materials and their means of delivery. It also highlights the worldwide support of the PSI and its Statement of Interdiction Principles.

(Mr. Przygodzki, Poland)

“The meeting was conducted under the patronage of Aleksander Kwaśniewski, President of the Republic of Poland.

“During the meeting the Addresses by the President of the Republic of Poland, Aleksander Kwaśniewski and President of the United States of America, George W. Bush, were transmitted.

“The aims of the meeting included emphasizing the PSI as a global initiative, further development of international support for the aims and objectives of the PSI, and promotion of broad international cooperation and participation in PSI activities. The Cracow Initiative is not about structure and organization, but operation and cooperation.

“During one year the Proliferation Security Initiative has been transformed from a vision into an active network of partnership and practical cooperation. Common principles have been defined. Interdiction capabilities developed and tested. Regional activities undertaken.

“During the meeting, a series of presentations on the nature of PSI, its prospects, character, future development and outreach efforts were made. A special emphasis was made on the extensive exercise programme where many countries have actively participated.

“It was stressed that the Proliferation Security Initiative is an important element in responding to the growing challenge posed by the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials to or from States and non-State actors worldwide. It was further stressed that the PSI activities had to be consistent with national and international law and frameworks.

“The PSI builds on efforts by the international community to prevent the proliferation of WMD, their delivery systems or related materials and complements existing treaties and regimes. It is consistent with newly adopted United Nations Security Council resolution 1540 (2004) of 28 April 2004. The United Nations Security Council resolution states that the Council is ‘*gravely concerned by the threat of illicit trafficking in nuclear, chemical or biological weapons and their means of delivery, and related materials*’. It calls upon all States ‘*to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials*’.

“The transparent nature of the PSI activities was reiterated and the contributions from countries that share PSI concerns, principles and goals were welcomed. An emphasis was made that the PSI is a global endeavour with an inclusive nature. It relies on the widest possible cooperation between States around the world. This meeting showed the willingness of strengthening and expanding this cooperation.

(Mr. Przygodzki, Poland)

“The meeting confirmed the importance of continued outreach efforts to build the PSI and make it harder for proliferators to engage in this deadly trade. States participating were welcomed to engage in such cooperation as well as to undertake national action to identify law enforcement authorities and other tools or assets that could be brought to bear against efforts to stop proliferation facilitators.”

The need to adapt non-proliferation policies and approaches to the new threats and challenges is self-evident. One of the main tasks is not to allow weapons of mass destruction to fall into the hands of terrorists. The cooperation of States in preventing such a development, with all its unimaginable consequences, and in ensuring the success of non-proliferation arrangements is of fundamental importance.

It is therefore encouraging that significant progress has been made in building broad international support for the Cracow Initiative. Many countries, particularly in South-East Asia and Central and Eastern Europe, participated in outreach activities. For example, almost 30 countries participated in the Warsaw PSI Information Meeting in January 2004. The Statement on Interdiction Principles was unequivocally supported by the European Union, as the principal purpose of the Proliferation Security Initiative (PSI) complements the objectives set out in the EU strategy and action plan against the proliferation of weapons of mass destruction.

Poland welcomes the decision by the Russian Federation to join the PSI as a new member of the core group. Russia's involvement in the Initiative will strengthen the fight against the spread of weapons of mass destruction. It also underscores the global character of the Initiative and will undoubtedly give new momentum to its further development.

In his statement at the Kraków meeting the Minister for Foreign Affairs of the Republic of Poland, Mr. Włodzimierz Cimoszewicz, stressed inter alia that “it was our very commitment to effective multilateralism that was the driving force for Poland to actively engage in the undertakings within the framework of the Proliferation Security Initiative. ... we need to work constantly to broaden our Initiative and to include everyone with the capacity and willingness to help fight proliferation, both internationally and regionally. We should strive for improvement of operational information-sharing capabilities, for addressing gaps in legal authority and for tightening controls over the export of nuclear material. The most important is, however, the fact, that the Proliferation Security Initiative constitutes not only a platform for deliberation but also, and more fundamentally, a practical measure aimed at the quick identification and combating of breaches of international non-proliferation standards as well as for creating an effective control system”.

Effective actions against WMD proliferation are part of the overall non-proliferation system. As many delegations have pointed out in this room, non-proliferation and disarmament are complementary and mutually reinforcing. Let me express my delegation's deep conviction that the success of non-proliferation efforts like the PSI will also lead to progress in the area of disarmament. At the same time, let me stress that the Cracow Initiative expands and develops first of all due to innovative thinking and political will. Let me express the strong belief that also in this room we will be able to generate enough political will and innovative thinking to move the Conference on Disarmament from its current stalemate.

The PRESIDENT (translated from French): I thank the Ambassador of Poland for his statement and for his kind words addressed to the Chair. Meanwhile, the Russian Federation and the United States of America have joined the list of speakers. I give the floor to Mr. Anton Vasiliev, representative of the Russian Federation.

Mr. VASILIEV (Russian Federation) (translated from Russian): First of all, Mr. President, let me welcome you to your important post, wish you success and assure you of the support and cooperation of the delegation of the Russian Federation.

On 31 May, Russia joined the group of founder members of the Proliferation Security Initiative set up to combat the proliferation of weapons of mass destruction. This initiative was launched by President Bush of the United States in May 2003. It is designed to identify, prevent and suppress unlawful trafficking in and transboundary movements of WMD-related materials and delivery systems, including the black market in such materials. In this way, PSI is a potentially useful mechanism in combating the threat of WMD proliferation and particularly its new dimension - the possibility that WMD could be obtained by terrorists. Threats of WMD proliferation are of a global nature and accordingly require a global response. We are convinced that we can deal with them only through collective efforts.

The principles of PSI, as set out in the Paris Declaration of participating States in September 2003 and further developed in London in October that year, correspond with our policy on non-proliferation. International interaction on these issues falls within the framework of United Nations Security Council resolution 1540, which, inter alia, calls for cooperation in preventing a black market in WMD. We see PSI as complementing rather than conflicting with existing mechanisms in the field of non-proliferation.

Russia intends to contribute to the implementation of PSI, bearing in mind the need for compatibility with the rules of international law, consistency with national legislation and a shared interest in non-proliferation with our partners. In general, we regard PSI as an integral component of the global strategy to strengthen international regimes for the non-proliferation of WMD and export controls. We proceed from the principle that activity under this initiative should not, and will not, create obstacles to legitimate economic, scientific and technical cooperation among States.

The PRESIDENT (translated from French): I thank the representative of the Russian Federation for his statement and his kind words addressed to the Chair. I now give the floor to the representative of the United States of America, Ambassador Jackie Sanders.

Ms. SANDERS (United States of America): Mr. President, since this is the first time I have addressed the plenary under your presidency, I wish to offer you the full support of my delegation. We look forward to working together over the coming weeks with you.

Today, I wish to report briefly on the "Global Threat Reduction Initiative" announced last week in Vienna by Secretary of Energy Abraham. The United States will devote \$450 million to this initiative, designed to prevent terrorists from acquiring nuclear and radiological material that could be used to build a nuclear or radiological weapon. In response to

(Ms. Sanders, United States of America)

an evolving proliferation threat, the Global Threat Reduction Initiative will focus exclusively on efforts to secure and dispose of a broad range of nuclear and radiological materials around the world that are vulnerable to theft.

Specifically, the initiative calls for partnering with the Russian Federation to repatriate all Russian-origin fresh highly enriched nuclear fuel by the end of 2005 and accelerate and complete the return of all Russian spent fuel by 2010. Such projects will be undertaken on a priority basis to the degree of security threat posed in each case. Other activities include accelerating and completing the repatriation of all United-States-origin research reactor fuel under an existing United States programme from locations around the world; working to convert the cores of civilian research reactors that use highly enriched uranium to instead use low-enriched uranium fuel, both in the United States and worldwide; and identifying other nuclear and radiological materials and related equipment not yet covered by existing threat reduction efforts and addressing the most vulnerable facilities first, filling any gaps that would allow a terrorist to acquire such material and equipment.

While the current focus is on bilateral cooperation between the Russian Federation and the United States, it is clear that a true non-proliferation regime depends on the cooperation and collaboration of efforts by all members of the international community.

Reducing the threat posed by weapons of mass destruction remains the highest priority for my Government. My delegation plans to address this topic in more detail next week in our informal plenary discussion of “new types of weapons of mass destruction and new systems of such weapons”.

The PRESIDENT (translated from French): I thank Ambassador Jackie Sanders for her statement and her kind words addressed to the Chair. Sudan has requested the floor. I call on Sudan.

Mr. ELHAJ (Sudan) (translated from Arabic): First of all, I am pleased to address the members and observers at the Conference on Disarmament on behalf of the Arab Group, which attaches very great importance to disarmament issues, and particularly nuclear disarmament, out of a sincere desire to create security and stability and peace at the international and regional levels. We also take this opportunity to express our support for the statement made by the Group of 21 at the informal session held on 13 June.

All Arab States, over the past three decades, have adopted clear policies on disarmament and have all ratified the nuclear Non-Proliferation Treaty. Arab States have also launched several initiatives to rid the Middle East region of weapons of mass destruction and, in particular, nuclear weapons.

The League of Arab States has set up a committee of government experts from all Arab States to prepare a draft treaty to make the Middle East a zone free of weapons of mass destruction. We believe that, in the light of the current situation in the Middle East, it is now more important than ever to think about effective and practical alternatives to be adopted by the international community to rid the Middle East region of weapons of mass destruction.

(Mr. Elhaj, Sudan)

The Arab States are fully convinced that the Non-Proliferation Treaty is one of the most important treaties. It has been effective in combating the proliferation of nuclear weapons for more than 25 years. No one doubts that the fact that a large number of countries have acceded to this treaty is an indication of the importance that countries attach to averting the threat of nuclear war. The Review Conferences confirm that the Treaty has won universal acceptance and they enhance the potency and modern relevance of the Treaty, allowing it to keep pace with ongoing international changes, so that it is now called “the cornerstone of the non-proliferation regime”.

Arab States have renounced the nuclear option by acceding to the NPT, because they are convinced that the resolution on the Middle East adopted at the 1995 Review Conference will bring regional security to the Middle East by establishing a nuclear-weapon-free zone there. Indeed, it was on this understanding that the Arab States agreed in 1995 to the indefinite extension of the NPT.

The Arab States should like to remind the States parties that the 1995 resolution on the Middle East is an integral part of the NPT and its provisions cannot be ignored until its aims have been realized in accordance with the Final Document of the 2000 Review Conference. The Arab States demand that this resolution be implemented by the 2005 Review Conference so as to ensure peace and stability in the Middle East and worldwide.

Article VII, paragraph 16, subparagraph 3 of the Final Document of the sixth Review Conference clearly reaffirms the importance of Israel’s accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East. The Arab States therefore call on all the States parties to the NPT to assume their responsibilities in keeping with the provisions of the final document.

I would like to refer to General Assembly resolution 58/34, concerning the establishment of a nuclear-weapon-free zone in the Middle East, which was adopted without a vote. The resolution urges all parties directly concerned to take the practical and urgent steps required to establish a nuclear-weapon-free zone in the region of the Middle East and invites the countries concerned to adhere to the Treaty.

I should also like to refer to General Assembly resolution 58/68, concerning the threat of proliferation of nuclear weapons in the Middle East, which was adopted by an overwhelming majority of the States Members. The resolution again reaffirms the importance of Israel’s accession to the Non-Proliferation Treaty and placement of all its nuclear facilities under comprehensive IAEA safeguards. It calls on Israel not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons.

I should like to refer also to resolution GC(47)/RES/13, adopted by the General Conference of the International Atomic Energy Agency, which reaffirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities. In this context, in December 2003, Syria submitted a draft resolution on the establishment in the Middle East of a zone free of all weapons of mass destruction, particularly nuclear weapons. That draft, submitted in blue, is now before the Security Council.

(Mr. Elhaj, Sudan)

We take note of the pledges made by nuclear States at the sixth NPT Review Conference, promising to make progress towards the complete dismantlement of their nuclear arsenals. These pledges have yet to be implemented. The results of the third session of the Preparatory Committee for the seventh Conference are hardly encouraging.

We should also like to recall the advisory opinion issued by the International Court of Justice in July 1996, in which the Court found that States were under an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament under effective international control. The support of the international community for the three aforementioned resolutions is evidence of its continuing concern about the danger of nuclear proliferation in the Middle East region and its awareness of the urgent need to focus attention on this issue.

The Council of the League of Arab States, through its resolutions on disarmament issues, has called for the establishment of a transparent and binding mechanism within the United Nations to rid the Middle East region of weapons of mass destruction, and particularly nuclear weapons.

The Council, convinced of the importance of disseminating a culture of disarmament, and of sharing expertise in this domain, organized a seminar, in cooperation with UNITAR, on the establishment of a zone free of weapons of mass destruction in the Middle East and on international non-proliferation regimes and regional test bans. The seminar, which was held at the headquarters of the League of Arab States on 24 and 25 February 2003, addressed the regional and international dimensions of this issue and the difficulties that have been encountered in trying to achieve these aims. A group of Arab and foreign experts with special knowledge of disarmament issues took part in the seminar.

I should like to conclude by saying that security and stability in the Middle East are essential for security and stability in the world at large and that this is the responsibility of the international community, which you all represent here.

The PRESIDENT (translated from French): I thank Ambassador Mohamed Elhassan Ahmed Elhaj for the statement he has just made on behalf of the Arab countries. Israel has requested the floor. I give the floor to Ambassador Levy.

Mr. LEVY (Israel): I would like to welcome the new observer to our midst. However, regrettably, he has chosen on his first intervention to stray from the professional path and pattern of discussion in this forum and to attempt to politicize it. We will not rise to this bait. However, I would advise the new observer to be a little more mindful of the parameters of discussion traditionally observed in this forum.

The PRESIDENT (translated from French): I thank the representative of Israel, Ambassador Levy, for his statement. We have come to the end of today's list of speakers. Does any delegation wish to take the floor at this stage? It seems not.

I would now like to read to you a short summary of the work of the informal plenary meeting held last Thursday, which, as you are well aware, was devoted to the question of the prevention of an arms race in space. I wish to point out that I am doing so in my personal capacity as head of my country's delegation.

So, now that I am wearing my other hat, allow me to read the following summary in English.

(continued in English)

As at the two first informal plenary meetings dedicated to discussing items on the agenda, the meeting of 27 May on "Prevention of an arms race in outer space" again drew a lot of interest. Eighteen member States made statements, one of which was on behalf of a group of States.

Without attempting to provide an exhaustive summary of the statements, I would like to share with you some of my personal observations. My objective is to identify a number of key elements that were raised by delegates during the discussion.

We may recall that the Treaty on Principles governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, better known as the Outer Space Treaty, stipulates that "the exploration and use of outer space ... shall be carried out for the benefit and in the interests of all countries, ... and shall be the province of ... mankind".

As our discussion demonstrated again, the use of space in daily activities and applications is constantly gaining in importance, and it is to be feared that any disruption would have a dramatic impact on life on earth. The civil/commercial, as well as the so-called legitimate military, use of space needs to be secured. This legitimate military use of space is often referred to as "passive" military use, such as surveillance, information-gathering, command and control activities, etc., although it must be admitted that more clarity is needed on this definition. It is perceived, however, by many States that the placement of weapons in space could be a stimulus for the development of new weapon systems, could trigger an arms race and could eventually lead to the collapse of the international security system.

An ad hoc legal framework has been in place for several decades now, not only based on the Outer Space Treaty, but also including other instruments such as the 1972 Convention on International Liability for Damage Caused by Space Objects and the 1976 Convention on registration of objects in space.

(The President)

However, it has been underscored by delegates on several occasions, also at the informal meeting last Thursday, that these instruments and measures have become insufficient to prevent the weaponization of outer space. This statement is in line with the results of the 1993 United Nations study by a group of governmental experts concluding that, since the adoption of the Outer Space Treaty in 1967, “legal norms may have to be developed further, whenever appropriate, to address new developments in space technology and increasing universal interest in its application”.

Moreover, many States regard the issue of PAROS as their priority, and believe that at a time when there are no weapons in space yet, it is imperative to address the issue sooner rather than later in order to avoid attempting to negotiate a disarmament or non-proliferation agreement a posteriori. It is encouraging that some States with already developed space capabilities declared that they had no plans to deploy weapons in outer space. Furthermore, some of them were ready to submit draft treaties on outer space when the relevant ad hoc committee was established.

Many delegations pointed out that various relevant United Nations General Assembly resolutions stipulate that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space. Therefore, the re-establishment of an ad hoc committee on PAROS in the CD with an appropriate mandate would be highly welcomed. It seems to me, however, that despite the positive reaction by some key delegations on the revised mandate of the Ad Hoc Committee on PAROS in the “A-5 proposal”, further harmonization of views is still required to ensure consensus on this particular part of the programme of work.

Pending the re-establishment of a subsidiary body, and without prejudice to the outcome of formal work in the Conference on the issue, some members have proposed other avenues of approach, including, but not limited to, steps to build confidence and maintain the normative threshold preventing the deployment of weapons in space, possibly through a code of conduct, as well as a moratorium on the testing and development of weapons to be put in space.

It is also worth emphasizing that, during the discussion, proposals were made to establish an expert group within the CD, or at least to convene meetings of the Conference in the presence of experts, with a view to reaching a common understanding of various terms and definitions relevant to the issue. Obtaining clarity regarding key terms would represent a significant contribution to discussions that would eventually be undertaken in an ad hoc committee on PAROS.

Finally, I would like to express my appreciation to the former presidents of the CD for providing this body with the opportunity to have an exchange of views on the agenda items. This exercise can be conducive to ensuring the convergence of views on various security-related issues, and eventually to bringing us closer to a programme of work acceptable to the whole membership of the Conference. I also wish to thank the members of the Conference for their very active contributions to the discussions.

(The President)

(continued in French)

In fact, I am a person who often changes hats. I have so many of them. I have so many that I sometimes ask myself who I am today. But having said that, I will now return to wearing the hat of President of the Conference.

Does any delegation wish to take the floor at this stage? I see none. Thus our work is over for today.

According to our schedule, the Conference will hold an informal plenary meeting following this formal plenary meeting. It will be devoted to the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. This informal meeting will be open only to the delegations of member States and those of States with observer status.

So the next formal plenary meeting of the Conference will take place on Thursday 10 June at 10 a.m. in this room, and will be followed by an informal plenary meeting on agenda item 5, "New types of weapons of mass destruction and new systems of such weapons; radiological weapons".

We will reconvene in five minutes.

The meeting rose at 11 a.m.