

# Conference on Disarmament

24 May 2013

English (edited version)

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## Final record of the one thousand two hundred and eighty-sixth meeting

Held at the Palais des Nations, Geneva, on Friday, 24 May 2013, at 10.15 a.m.

*President:* Mr. Triyono Wibowo .....(Indonesia)

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**The President:** I declare open the 1286th plenary meeting of the Conference on Disarmament.

Before we proceed, I would like to bid farewell to our distinguished colleagues who will soon be leaving us for other duties: Ambassador Laura Kennedy of the United States of America, and Ambassador Dell Higgin of New Zealand.

I take this opportunity to thank them on your and my own behalf for their friendship and active contributions to the work of the Conference on Disarmament. I know that we will all miss them and look forward to working with their successors.

The plenary meeting today is devoted to agenda item 7 of the Conference, namely transparency in armaments.

Before beginning our substantive discussion on this topic I would like to enquire whether any delegation wishes to raise any other issues. That appears not to be the case.

Now before I proceed with our agenda item 7, may I inform you briefly of a few highlights of the Seminar on Exploring Avenues to Address the Stalemate in the Conference on Disarmament, held in Geneva on 15 May 2013.

The seminar was attended by representatives of 45 States, the United Nations Office for Disarmament Affairs, the International Atomic Energy Agency and the United Nations Institute for Disarmament Research. Nearly 130 people attended the event.

With long impasses in the Conference on Disarmament, new approaches need to be considered, such as the “like-minded” model which proved to be successful in delivering the Ottawa Conference on landmines and the Oslo Conference on cluster munitions.

In the context of the Conference on Disarmament, however, a similar approach might not be adequate to address the contentious issues, including a fissile material cut-off treaty. A “like-minded” approach might not be sufficient to ensure the prevention of both vertical and horizontal proliferation in a broader scope, as it will exclude those beyond the “like-minded” sphere. In the light of that fact, the Conference should address its working methods, membership and agenda to facilitate its revival.

The setting up by the General Assembly of the United Nations of an open-ended working group on nuclear disarmament and a group of governmental experts on fissile material should not be understood as a mere coincidence. This was clearly a wake-up call for the Conference on Disarmament.

Creative options for confronting and overcoming the Conference’s difficulties will be sought in several areas. At the procedural level, the Conference will consider simplifying its programme of work, first by moving to a basic timetable of activities and then by focusing on setting mandates for working groups individually, rather than collectively. More importantly, the Conference needs to define a new work culture. There is a puzzling lack of initiative by members to supplement the dutiful efforts of successive Presidents to find a way through the long-standing impasse.

The stalemate in the Conference is attributable, first and foremost, to political and security factors. Facing a different security environment, countries might pursue different disarmament and security agendas and policies. Such differences naturally lead to divergent views on the priority of the Conference agenda, which has a direct impact on reaching agreement on a programme of work for the Conference and the start of its substantive work.

The report of the seminar will be issued as an official document of the Conference. It has information highlights from the seminar that I would like to share with you.

I recognize the Ambassador of Switzerland, who would like to take the floor at this juncture.

**Mr. Schmid** (Switzerland): I would like to thank you very much for having organized on 15 May 2013, together with the United Nations Institute for Disarmament Research, the seminar on exploring avenues to overcome the stalemate in the Conference on Disarmament, and for having briefed us on what was said there. On my own behalf, I would also like to express my gratitude to you for having arranged for a buffet of Indonesian dishes for us on that occasion. It was a welcome departure from the usual sandwich.

In our view, the seminar held on 15 May was, given the situation of the Conference on Disarmament, an event at once appropriate and necessary, which really made it possible to discuss the reasons for the deadlock and possible means of overcoming it by exploring more closely. The large attendance at this event also shows, in our opinion, the central importance that many States attach to a functional Conference on Disarmament.

For more than 15 years now, the Conference has been unable to fulfil its mandate or meet the expectations the international community has of it. Urgent international security challenges thus go without a response. What is more, the deadlock in the Conference does not affect this body alone – making it hard, for example, to carry out the measures adopted as part of the action plan of the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

Switzerland remains convinced that a functional Conference on Disarmament is key to enabling the international community to respond to international security and disarmament challenges. Switzerland is also fully convinced of the importance of preserving intact the Geneva-based disarmament community built around the Conference on Disarmament. The permanent presence of diplomats specializing in disarmament affairs — receiving support from international organizations and civil society — is essential to taking forward multilateral disarmament negotiations.

Nonetheless, we cannot fail to notice that the persistence of the deadlock — there is nothing to suggest that it will be broken in 2013 — is gradually making a dent in the reputation and credibility of this body. And although the international community's expectations of the Conference on Disarmament are still considerable, its patience is clearly beginning to wear thin. Several of the decisions taken by the General Assembly in recent years are not without importance – and you have said as much, Mr. President. The General Assembly has signalled clearly that issues such as revitalizing the disarmament machinery, nuclear disarmament or banning the production of fissile material for military purposes, are too important not to be addressed.

In the current situation, one approach — stasis — strikes us as inconceivable. The lack of political will is often identified as the main reason for the current stalemate. We fully share that view. The political will to reach the necessary compromises is lacking, as is the will to transcend narrow, short-sighted security considerations and embrace a comprehensive long-term view. Also clearly wanting, however, is the political will to address the issue of working methods. That is key, as political will and working methods are, to a considerable extent, closely linked. The working methods should facilitate political processes rather than hinder them. The Conference's procedures should make working towards consensus easier, not more difficult. In addition, we should not underestimate the practical and political value of improving the working methods. Specific steps to strengthen the functioning of the Conference could take on political importance by demonstrating the collective will of the members of the Conference on Disarmament to find a way out of the current impasse. They could also build trust.

In this context, it seems necessary to us for the Conference to devote a plenary meeting, or several such meetings, to the issue of its revitalization. It is important for Conference on Disarmament members not to lose sight of this concern. Above and beyond

such discussions, we are also persuaded that the time has come for the Conference to initiate a structured process designed to review its working methods in detail, with the aim being to improve the functioning of the Conference. In fact, it is barely conceivable that strong backing for such a process that could help revitalize the Conference on Disarmament should not yet have emerged.

I also wish to emphasize that an exercise of this type would not in itself be a novelty. The Conference on Disarmament has engaged in such structured review processes in the past. At the end of the 1980s, it initiated a structured review process relating to improved and effective functioning in the context of an international system undergoing rapid change after the end of the cold war. This process culminated in the adoption of decision CD/1036, which made many changes to the way the Conference on Disarmament works. The amended procedures had a significant effect on the Conference's efficiency and effectiveness. In the years that followed, the Conference was in a position to negotiate two key agreements, the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.

Lastly, such a process would make it possible to respond to the General Assembly's call to States in resolution 66/66, entitled "Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations", to explore and consolidate proposals and elements for revitalization of the United Nations disarmament machinery as a whole, including the Conference on Disarmament.

**The President:** I thank the Ambassador of Switzerland for his important statement, and I believe it deserves our serious consideration.

Now let us begin our discussion on agenda item 7. I have Ambassador Woolcott on my list to speak on this agenda item.

Before I give the floor to the Ambassador of Australia, I recognize that Ambassador Hoffmann of Germany is asking for the floor.

**Mr. Hoffman** (Germany): Mr. President, it is a kind of a point of order. I would just like to enquire whether you intend to report on the endeavours and efforts you have undertaken in the last couple of weeks with respect to agreeing a programme of work today.

**The President:** I intend to report on the results of my consultations on the programme of work in my statement at the end of this plenary meeting.

**Mr. Hoffman** (Germany): Does that mean that we will have an opportunity to make a comment on your last statement?

**The President:** Yes. I now give the floor to Ambassador Woolcott.

**Mr. Woolcott** (Australia): Mr. President, may I start by paying a tribute to you and your team for your comprehensive and inclusive efforts to advance our work in the Conference on Disarmament, and also ultimately your wisdom in managing your presidency?

I welcome this opportunity to offer some brief words on the issue of transparency in armaments. In the last couple of months, the international community has taken an important step forward on one aspect of transparency through the adoption by an overwhelming majority of United Nations Member States from all regions of the Arms Trade Treaty on 2 April in New York.

The need for a better-regulated and more transparent and hence accountable international arms trade has long been recognized, and the adoption of the Arms Trade Treaty is the fulfilment of years of work by both governments and non-governmental organizations towards this goal.

At the same time, we should recognize that the hard work begins now. We need to implement the Treaty to ensure that it has a genuine impact where it is needed. The Treaty on paper is strong, but in the end what will count, what will make a difference, is how it is implemented.

The next step is entry into force, and therefore Australia strongly encourages States to sign the Treaty on 3 June when it opens for signature in New York or as early as possible thereafter. The Arms Trade Treaty will set new international standards as well as provide a forum for transparency and accountability in the conventional arms trade. These are all long overdue. So it is important that we maintain momentum behind the Treaty, and that we now collectively focus on its earliest entry into force.

**The President:** I thank Ambassador Woolcott for his statement. Is there any other delegate who wishes to take the floor on this item? I see none. Then allow me to say a few words for my concluding remarks as today is the last plenary meeting convened under the Indonesian presidency.

It has been an honour and a privilege for Indonesia to assume the task of President of the Conference on Disarmament.

As I assumed my presidency I was fully aware that for 16 years the Conference on Disarmament had been in a stalemate. Having the Conference on Disarmament get back on track was not something to be foreseen. I thought: what a pity if we allow ourselves to witness an ageing stalemate in the Conference on Disarmament! If revitalization could not counter ageing, maybe an alternative remedy could be prescribed. I benefited during the four weeks of my presidency, with an additional six weeks of Conference on Disarmament recess, and had intensive consultations with almost all member States on the possibility of making the Conference on Disarmament get back to work and hopefully being able to break the impasse.

During the consultations, I was grateful that member States candidly expressed their ideas, views, perspectives, concerns as well their various degrees of hope pertaining to the future of the Conference on Disarmament. This very much helped me understand the essence of a comprehensive and balanced programme of work, which I tried my best to formulate.

I am fully aware and acknowledge the different priorities of the Conference on Disarmament members. I tried my utmost to bridge their differences and to find middle ground on the matter. However, after a round of consultations with the member States concerned on the draft programme of work, I have to admit that a consensus is a long way off. Many member States demonstrated their flexibility and willingness to join a consensus, but political considerations and insistence on specific language, on certain priorities of others, made it difficult to reach a consensus.

All in all member countries acknowledged, almost in unison, that the stalemate which has brought the Conference on Disarmament to its current state has actually been caused by variables beyond the scope of this Conference. Its roots lie in the Conference's external political environment. It is difficult to commence negotiations when the priorities and interests of member States are in conflict, especially when some of these differences might also originate from domestic political considerations.

We shall not, however, give up hope. Let us give this august body a chance. If it is not by virtue of our consensus then let it be by virtue of our patience and perseverance. Room for discussion shall need to be continuously opened, so that we shall never lose the opportunity for advancement. It is our shared responsibility to make the Conference on Disarmament work.

In concluding, allow me to express my heartfelt thanks to all delegates in the Council Chamber for their important contributions to the work of the Conference on Disarmament. I would like also to extend my profound gratitude to all the 2013 Conference on Disarmament presidents, the Ambassadors of Hungary, India, Iran, Iraq and Ireland, for their good cooperation and collegiality extended to me during the Indonesian presidency. I would also like to thank all the regional coordinators — the Ambassadors of China, Kazakhstan, Slovakia and Viet Nam — for their support.

I would also like to convey my sincere appreciation to Mr. Kassym-Jomart Tokayev, Secretary-General of the Conference on Disarmament, Mr. Jarmo Sareva, the Deputy Secretary-General of the Conference on Disarmament, Mr. Ivor Fung, Secretary of the Conference on Disarmament and the entire staff of the Office of Disarmament Affairs for all their assistance and expertise contributed during the Indonesian presidency.

I would also like to thank all the conference officers and interpreters for their highly professional help during the plenary meetings.

Last but not least, my best wishes to our colleague from Iran in starting his task as incoming President of the Conference on Disarmament. He can rest assured of my delegation's full support and cooperation during his presidency.

I recognize Ambassador Hoffmann of Germany, who wants to take the floor.

**Mr. Hoffmann** (Germany): Can I first of all thank our departing colleagues from the United States of America and New Zealand for the excellent cooperation and friendship we have had with them and wish them all the best for the future?

Mr. President, I would like to thank you for the excellent manner in which you have conducted your presidency, and in particular for your tireless efforts regarding the adoption of a programme of work. And I would also like to thank you for organizing, together with the United Nations Institute for Disarmament Research, a very interesting seminar on the question of how to get the Conference on Disarmament going again.

In view of the well-known difficulties surrounding the issue of the programme of work, I think it is highly commendable that you have, in spite of this, taken it upon yourself not only to engage in intensive consultations on this matter, but also to present an informal draft programme of work. It is a characteristic feature of the Conference on Disarmament that reservations about particular elements of draft programmes of work are, as a rule, brought forward only in private consultations between individual delegations and the President, which is of course the exact opposite of the transparent procedure I think most of us would like to see.

Now unfortunately your consultations have shown that there is no realistic prospect for a consensus on your informal draft, which has led you to the conclusion that it would not be advisable to table it as a formal draft decision with a view to proposing its adoption.

It is my understanding that in the course of the informal consultations you held, it was one delegation which specifically and very clearly expressed reservations about a particular point in your informal draft by in effect requesting the deletion of the reference to document CD/1299.

The title of document CD/1299 speaks of "the most appropriate arrangement to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". I wish to make the point that this reference in your draft is indeed important to us, and I believe to many others as well, and we therefore very much welcome that you did not accept the request to delete it.

Now if this body is ever to agree on a programme of work, delegations need to fully understand where exactly the problems are. Can I therefore, in the interest of transparency,

put a straightforward question to you so that all of us and future Presidents fully understand the problems some delegations might have when new attempts at agreeing on a programme of work are made in future?

Just assuming, hypothetically for a moment, that the request to delete the reference to document CD/1299 had not been put to you by one particular delegation; were there any other serious problems raised regarding your informal draft by other delegations which might have led you to the conclusion not to table the draft because there would have been a significant risk that it would not have been adopted? You referred in your final remarks to differences in a very abstract way, but I think it would be very interesting to learn what those differences are.

If this was indeed the case, that you would have come to the conclusion not to table a draft decision, I believe it would have been highly interesting to all in the chamber to learn what kind of problems exactly these were, because otherwise we are left in a situation where we are operating in the dark in our attempts to find the consensus that this body has been seeking without success for nearly 15 years.

**The President:** I thank Ambassador Hoffmann for his statement. Yes, I have to admit that during the consultations on the draft programme of work there was one delegate that could not accept any reference to document CD/1299. But on the other hand, there were some delegates who proposed new language for the draft programme of work, that I am sure of. And after I consulted with the concerned delegates, that language could not be accepted by others. So there was not only the one delegate who rejected the reference to the CD/1299, but also there were delegations who proposed some language to improve on the draft programme of work, in particular with respect to the working group No. 1 and working group No. 2. So it would be difficult for others to accept the new language. Therefore, at the end of the consultations, I concluded that there is no possibility to have a consensus on the draft programme of work. I hope this explanation will satisfy your enquiries.

Is there any other delegate who wishes to take the floor on this particular issue, on the programme of work?

Before I give the floor to Ambassador Laura Kennedy, I would like to welcome Ambassador Mohsen Naziri Asl of Iran, who will be with us today. Then Ambassador Mohsen will outline his task as the incoming President of the Conference on Disarmament. Again, I would like to repeat that you may rest assured of my delegation's full support and cooperation during your presidency.

Now, may I invite Ambassador Laura Kennedy to take the floor?

**Ms. Kennedy** (United States of America): Now I am not going to be speaking on agenda item 7, but Ambassador Woolcott's words helped me to thank him again for chairing the work that brought us the Arms Trade Treaty. It was a great pleasure for me to be able to recently deliver to him a personal letter from my Secretary of State commending and thanking him and of course his great team for this accomplishment.

It is a particular pleasure for me to make my final statement in the Conference on Disarmament during the Indonesian presidency. As I may have told you, I took a seminar on Indonesian politics during my freshman year of college, and the study of that fascinating nation helped spark my interest in a Foreign Service career. So, after 38 years in the diplomatic service, I feel as if I have come full circle.

Let me begin by thanking the secretariat, in particular our distinguished Secretary-General, Mr. Kassym-Jomart Tokayev, and of course the interpreters, who have put up with my long-windedness for more than three years. I would also like to thank very much our civil society partners, in particular Reaching Critical Will, which provides an extraordinary

service as our unpaid archivist and also functions as our everyday critic. Thank you all for your counsel and friendship over the last several years. Finally, I would like to thank our President, Ambassador Wibowo, and his team for their work in trying again to forge a way forward for this body. It is, of course, unfortunate that those efforts did not bear fruit, and I believe this body could usefully pause at this juncture to reflect on why and what can be done in future. For the United States, document CD/1864 is still the one programme of work that commanded consensus and remains for us the touchstone for a balanced and comprehensive approach.

Although I cannot end this assignment satisfied with the state of affairs in the Conference on Disarmament, which has been all too long unable to fulfil its negotiating mandate, I am by nature an optimist. I believe I share with most of us here a stubborn determination that the work will go on to find a way forward. It must, since we all agree on the vital importance of our task.

I will soon be returning to my home in Washington, where I hope as many as possible of you will visit me. When you do, you will see that I live a stone's throw from American University in the District of Columbia, our nation's capital. That venue is much on my mind today. Fifty years ago in June, on that campus, President John F. Kennedy gave one of his finest speeches, which has a direct bearing on the endeavours that unite us in this body today. Little more than a half-year after the nearly apocalyptic Cuban Missile Crisis of 1962, in his speech in June 1963, delivered right down the street from my home, President Kennedy reached out to the Soviet Union in a determined effort to find a new path forward. He announced a moratorium on atmospheric nuclear tests and the goal of negotiating a nuclear-test-ban treaty. Those were key developments, but let me share with you as well some of Kennedy's more general thoughts on the need to reshape the world with a new vision. It is that vision that continues to inspire my President, Barack Hussein Obama.

President Kennedy asked: "What kind of a peace do I mean? ... Not the peace of the grave ... not merely peace in our time, but peace for all time. I speak of peace because of the new face of war. ... All we have built, all we have worked for, would be destroyed in the first 24 hours." Now I can think of no clearer recognition by the United States of the catastrophic humanitarian consequences of any use of nuclear weapons than that stark statement made 50 years ago.

You have often heard us speak of our belief that the way to a world without nuclear weapons is a series of mutually reinforcing steps. Progress has never been, nor probably ever will be, fast enough to satisfy all of us. We justifiably point to the vast nuclear reductions made by the United States, which have brought down nuclear arsenals by some 85 per cent since the height of the cold war. But of course that does not mean complacency, and we welcome the energy and commitment of our partners in government, in civil society and academia.

I also note how President Obama has expanded this essential work on State arsenals to focus as well on the ongoing work to secure nuclear materials from non-State actors with malign intent. And, of course, we cannot relax our focus on non-proliferation and the absolute need for compliance with international obligations.

Now, however impatient we may be, let us not lose sight of the progress that has been made, is being made and will be made. As President Kennedy said 50 years ago: "Genuine peace must be the product of many nations, the sum of many acts." He pointed to our long-range goal in Geneva of "general and complete disarmament" — a phrase, I note, subsequently enshrined in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons — and said that this would take place by stages. Now this is our continuing belief. I know that others may see a different path that would short-cut admittedly painstaking, if



not tortuous, negotiations, and work that we see as essential both on a bilateral and multilateral basis. As we debate here and elsewhere on how we advance on that path, however, let us remember what unites those of us who genuinely seek a world without nuclear weapons.

So, my fellow diplomats, let me conclude with yet another reference to that great call for disarmament made by President Kennedy at American University 50 years ago: “However dim the prospects may be today, we intend to continue this effort – to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.”

So, friends, goodbye, good luck and good service in our common cause.

**The President:** I thank Ambassador Kennedy for her statement, and would also like to thank her for all the support and cooperation rendered to me during my presidency. I wish you success and all the best in your future endeavours. Maybe the next time we meet again we will be speaking in Bahasa Indonesia, as you have proficiently learned the language.

So, thank you very much Madam. God bless you.

I recognize also the Ambassador of New Zealand, who wishes to take the floor.

**Ms. Higgle** (New Zealand): Like a number of others who arrived at the Conference on Disarmament when I did — I am going to call us the class of 2009 — I am completing my Geneva posting in the next few days. And, as a member of the class of 2009 (I think, Laura, you might have been the class of 2010), I would like to make a few personal reflections today on the Conference on Disarmament, and in fact I would also like to touch on some disarmament issues more generally.

Although I am departing Geneva, I am not in fact leaving the Conference on Disarmament, since I am fortunate enough to be continuing on as New Zealand’s Ambassador for Disarmament, and therefore, as part of that portfolio, I will continue to be New Zealand’s Permanent Representative to the Conference on Disarmament. But certainly my “commute” — now from Wellington — will be somewhat longer than it has been over the four years that I have been based here at the New Zealand Mission!

I am delighted to be speaking today under the chairmanship of Ambassador Wibowo from New Zealand’s near and very good neighbour, Indonesia. I recall, Ambassador Wibowo, the farewell remarks given last June by your predecessor, Ambassador Djani. He reported that within a matter of almost days after his arrival the Indonesian Foreign Minister regarded him as the most successful Ambassador in the history of the Indonesian Permanent Mission in Geneva, since he seemed to have managed to get the Conference on Disarmament up and running in such very short order!

Of course, as we all know, the triumph of document CD/1864, adopted in May 2009, proved very short-lived, and the Conference on Disarmament’s sorry record of having no programme of work moved forward since 1996 continues to this day.

That is certainly not the fault of Conference on Disarmament chairmanship, and I would wish to congratulate you in particular, Ambassador Wibowo, for the committed and engaged manner in which you have carried out your role as our Chair – *Terima kasih atas semua kerja anda*. If extensive consultations and linguistic dexterity were sufficient to coax the Conference on Disarmament down the path toward meeting its mandate of negotiating legally binding commitments, then it would certainly have happened during your stewardship.

The fact that it has not must surely suggest to any realist that there’s no elixir that can be found under the status quo. Unless the Conference on Disarmament were to have its

rules of procedure changed, so that the interests of the few cannot continue to prevail over the interests of the many, or unless there were to be some considerable evolution in certain key national positions so that in the spirit of multilateralism, they were prepared to take greater account of the security interests of the broader global community, it is hard to see that we will ever be able to get down to work. If we cannot, what is it that is left for the Conference on Disarmament to do?

I fear that theological debates may continue to be the order of the day. We can continue to debate the relative prioritization of the issues on our agenda and, in particular, the hierarchy as between negotiations on fissile material, or on nuclear disarmament more broadly. We can continue to debate about the best means to reach the end goal of nuclear disarmament – and it is indeed this issue which currently seems to fuel the most lively debate here in Geneva. Those entering the debate usually suggest that we are all agreed on the desirability of the end state (the elimination of nuclear weapons) and that the differences between us are simply over the choice of the most sensible or realistic route to get there. Should we be pushing for a “big bang” approach to nuclear disarmament, or should we seek forward movement step by step, or building block upon building block?

As a firm supporter of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty, a country committed to nuclear disarmament and to our membership of the Treaty of Rarotonga (the South Pacific Nuclear Free Zone Treaty), New Zealand has pushed for a long time now for the implementation of practical steps such as a reduction in the operational readiness of nuclear-weapon systems and increased transparency regarding nuclear-weapon holdings. We do so both individually and in concert with others, most notably the New Agenda Coalition.

But it can be difficult to point to significant, measurable progress towards realization of article VI of the NPT and to remain confident that there is indeed a master plan, backed up with a sense of urgency, to get us to the end goal of nuclear disarmament. Are our citizens persuaded that the NPT 2010 action plan — even if all its steps are met — is part of such a master plan?

There seems to be little preparedness to identify even a broad time frame for the end goal. Nor does there seem to be much willingness — at least here in the Conference on Disarmament — to discuss the point at which we will negotiate a multilateral legal regime (whether a treaty or a framework of instruments) going beyond the NPT in order to complete the abolition of nuclear weapons. Without a programme of work, the Conference on Disarmament can continue to watch what happens on security and disarmament issues elsewhere.

Most recently, the United Nations General Assembly has adopted the Arms Trade Treaty, and Ambassador Woolcott and Ambassador Kennedy both have already referenced that today. I was honoured to lead the New Zealand delegation to all the meetings, initially of the open-ended working group, then the preparatory committees, and finally the two diplomatic conferences, which put this Treaty in place. I think when I look back on my time in Geneva it is this issue, this Treaty, which gives me the greatest sense of satisfaction and the best justification for my pay packet. The Treaty continues the recent focus on human, rather than State-centric security. Its negotiation in a universal forum to which all member States had access is undeniably a success story.

Arms may not yet be regulated quite as much as are bananas (this point was something of a catchcry throughout the period of the Treaty’s negotiation) but the obligation in the Treaty to assess in advance the risk of negative consequences to any potential transfer, and the standards which have been set, including to prevent the diversion of arms to the illicit market, will certainly ensure that the global trade in conventional arms is conducted in a much more responsible manner than hitherto. As, increasingly, it turns off

the tap for those transfers — particularly of small arms and light weapons — which have helped fuel conflict and undermine security in so many parts of the globe, I am confident that the Treaty's adoption will ultimately be cause for greater celebration even than was the case when the last banana trade dispute was finally settled in the World Trade Organization.

As to other conventional arms issues, useful work has continued to go forward on the implementation of the legal regimes applicable, via the Ottawa and Oslo processes, to landmines and to cluster munitions. Many States here are indeed party to these important treaty regimes; New Zealand is pleased currently to be a member of the bureaux for both.

Very recently, there have been interesting new developments in the nuclear disarmament context. The meeting held in March this year in Oslo — now to be followed up by one hosted next February by Mexico — has provided the opportunity for serious consideration of the humanitarian consequences of nuclear weapons, and it heralds an important and necessary shift in the way the international community approaches nuclear weapons issues.

And, in the last several weeks here in Geneva, the open-ended working group to take forward multilateral nuclear disarmament negotiations has been the venue for some very interesting and interactive debates on a wide range of issues, including ones not normally canvassed in the Conference on Disarmament, relating to nuclear disarmament.

Forgive me, Mr. President if, as a lover of international law, I cannot ignore the opportunity to refer to a panel which I moderated on behalf of our Chair, Ambassador Dengo, and which canvassed the international law relevant to any use of nuclear weapons. The panel focused in particular on the International Court's advisory opinion of 1996 — and I hope it may have served to dispel a few of the myths which have come to surround what it was the Court actually said.

We all remember that the Court did say that there is an obligation to conduct negotiations in good faith on nuclear disarmament, but sometimes we can forget that the Court immediately went on to add the important rider that the obligation was not just to conduct negotiations, *ad infinitum* as it were, but to achieve a precise result — to bring them to a conclusion.

We know, too, that when the Court addressed the situation in which it might perhaps be possible to use nuclear weapons, it outlined a very high threshold: the context would need to be "an extreme circumstance of self-defence, in which [a State's] very survival would be at stake". But it is sometimes overlooked that even in the context of such a very high bar as this, the Court went on to observe that it could not in fact decide whether or not it would be lawful to use nuclear weapons in such circumstances. In other words, the Court did not decide that it would be lawful to use nuclear weapons even in a most extreme situation of self-defence.

That opinion was given now over 15 years ago. I very much enjoyed the opportunity to hear reflections as well as responses to questioning on it from some very eminent professors of international law. New Zealand will look forward with much interest to the further sessions of the open-ended working group in coming weeks: it is stimulating indeed to have a forum for real engagement on these important issues.

As I said at the outset, I will continue as New Zealand's Permanent Representative to the Conference on Disarmament. So I have, therefore, a direct and very personal interest in the fate of the Conference and in its becoming again something other than a venue for theological debate and an audience for what happens in more dynamic bodies elsewhere.

Given what is not happening in the Conference, it may seem a little bizarre to express the hope that participation in it and its processes can change to reflect twenty-first-century realities both by encompassing broader membership and — consistent with other

United Nations forums, including the nuclear disarmament open-ended working group — by opening up its meetings to the full participation of all stakeholders.

I have very much enjoyed the friendship and interaction with colleagues here. I take this opportunity to thank the Secretary-General of the Conference on Disarmament, Mr. Kassym-Jomart Tokayev, to thank the Deputy Secretary-General, Mr. Jarmo Sareva, and all the secretariat staff, our interpreters, as well as the United Nations Institute for Disarmament Research, which provides us with such valuable insight and guidance and — most certainly — the civil society representatives who regularly sit in the gods above. I wish you all the very best, and goodbye for now.

**The President:** About six or seven months ago we worked closely and had an exchange of views on various issues on disarmament and also other issues of interest to our region.

You have also showed support and cooperation throughout my presidency in the Conference on Disarmament, which were constructive and very helpful to me personally as I still consider myself a “new kid on the block”.

I wish you success and all the best in your future endeavours.

Is there any other delegate? I recognize the Ambassador of Spain.

**Mr. Gil Catalina** (Spain): First, I would like to give my best wishes to the ambassadors who are leaving us today. All the best to Ambassador Kennedy and Ambassador Higgin. I hope that when she arrives on her first commute from her remote island in the Pacific, it will be to celebrate our adoption of a programme of work.

I take the floor only to express to you, Mr. President, my personal gratitude for the efforts you have made to come up with a programme of work. I do so because your case is no ordinary case. In recent years — I, too, am a member of the class of 2009 — few Presidents have made the effort that you did to consult so many delegates, and to think of how we can make progress towards a programme of work.

You did not succeed, but I do not know if that is the fault of one State alone. What I do know, Mr. President, is that it was not your fault.

**Mr. Naziri Asl** (Islamic Republic of Iran): Mr. President, I am very pleased to see you, a very skilful diplomat from Indonesia, a friendly country and one of the active members of the Non-Aligned Movement, presiding over this august body so efficiently. I would like to express my admiration for all your diligent efforts during your presidency and the excellent manner in which you are presiding over the Conference.

Allow me to express my deep appreciation and thanks to you and to Mr. Tokayev, the Secretary-General of the Conference, and other distinguished colleagues and friends for the kind words addressed to me and the warm welcoming remarks.

Indeed it is a great pleasure for me to again participate in the meeting of the Conference on Disarmament after 14 years. It is unfortunate that, after such a long time, there is no more change in the Conference on Disarmament. I very much hope that the Conference on Disarmament will soon start its substantive work by the adoption of a balanced and a comprehensive programme of work.

Mr. President, as you are well aware, I will take up the presidency of the Conference from next week. I look forward to working closely with you and enjoying your vast experience and that of all the six Presidents for planning my programme during the presidency.

**The President:** I thank you for this statement and for your kind words. I send you my best wishes for assuming your responsibility as the next president of the Conference on Disarmament.

Is there any other delegate who wanted to take the floor? It seems not to be the case.

This concludes our business for today. The next plenary meeting of the Conference on Disarmament will be held next Tuesday, 28 May 2013, at 10 a.m. under the presidency of Iran.

*The meeting rose at 11.15 a.m.*