

# CONFERENCE ON DISARMAMENT

CD/PV.1068  
31 May 2007

ENGLISH

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## FINAL RECORD OF THE ONE THOUSAND AND SIXTY-EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 31 May 2007, at 10.10 a.m.

President: Ms. Elisabet BORSIIN BONNIER (Sweden)

The PRESIDENT: I declare open the 1068th plenary meeting of the Conference on Disarmament.

At the beginning, I would like to make some introductory remarks, since it is the first plenary of my presidency. After that I have one speaker on the speakers' list, the distinguished representative of Peru.

So let me first begin by making some remarks of my own, and I ask the secretariat to distribute it.

Having assumed the presidency of the CD, the first thing I wish to do is to pay tribute to those who have gone before me, my P-6 colleagues, the Ambassadors of Sri Lanka, Spain and South Africa, who so eminently have led our work this year. I also want to pay tribute to the coordinators for their diligent efforts to bring us forward. And most importantly, let me express my sincere appreciation to the delegations that have worked hard throughout the first part of the session and in good spirits to give meaning and substance to our agenda.

All these efforts, together with meticulous consultations with each and every delegation on an equal basis - and I underline that - made it possible for the P-6 to put before you our proposal for work during the remaining parts of this session, L.1. L.1 was not designed to be a grand overall platform of compromises between political or substantive positions, ambitions or priorities of either the delegations or the P-6. Such attempts at grand political compromises have been tried many times before. And have stymied our Conference for almost a decade.

Instead L.1 is a simple practical proposal for our work. It takes as its basis where we actually stand at this point in time, the fruit of our collective work so far. And it proposes a way to organize and focus our work for the remaining part of this session. Nothing more, nothing less. There are no preconditions. The results are not prescribed or assured in advance, but will have to emerge in the course of actual work. It is an inclusive and enabling proposal. No political or substantive position taken here, or elsewhere, is compromised. All delegations will be able to pursue their respective priorities in the course of the work. Furthermore, L.1 upholds the negotiating perspective for which this forum has been established.

L.1 has now been on the table for about two months. Questions have been asked and replied to in a number of formal and informal meetings, open to all. Delegations have expressed their views, and been listened to. Most delegations are ready to move forward on the basis of L.1. But a few are still hesitating, or awaiting instructions. The positive spirit and optimism prevailing during the first part of the session is gradually giving way to more negative attitudes and concerns that we might slide back into the old futile deadlock. This, as I see it, is the delicate situation today as I take over the presidency.

My first and foremost task now is to try to establish whether we will be able to find a way to move forward on the basis of L.1 - or not. Some of you have told me that you are about to give up hope. Others have suggested that there might actually still be ways and means to handle the remaining concerns and move forward. As of today, I, for my part, simply do not know. But I pledge to spare no efforts to explore whatever possibilities there might be.

(The President)

Together with my P-6 colleagues, I will now need some days to establish what way forward I could possibly propose to you with a reasonable degree of confidence. I will try to work expeditiously, and as soon as I feel able to propose anything, or draw any conclusions, I will put it to you all for consideration - collectively and in an open-ended fashion.

From you - all of you - I ask the following. Be patient, try to contain your frustrations, and, please, refrain from accusing, blaming or lobbying against each other. We are in this situation together, and if there is a way out, we will have to walk it together. Do your best to rekindle the cooperative and constructive spirit that prevailed during the first part of the session.

As regards the work led by the coordinators, and after consultations with them, I do not intend to schedule any informal meetings with them during next week. The overall situation for their work is unclear, and it is not possible to pretend business as usual. If we are able to proceed along the lines of L.1, we will have one situation. If not, we will have another situation. Either way, we all need to know where we stand in order to organize our work in a meaningful way.

We have two working days until the next plenary meeting, Friday and Monday. On these two days I will be in the President's office between 9 and 10 in the morning, should you wish to call on me. Or, if it suits you better, please feel free to call me at any time. I am here for you.

So, with those initial words from me on the tasks ahead in my presidency, I now wish to proceed to give the floor to the one and only speaker on the speakers' list, the representative of Peru, Mr. Beleván.

Mr. BELEVAN (Peru) (spoke in Spanish): As my delegation is taking the floor for the first time during your term, Ambassador, allow me first to extend my delegation's congratulations to you as you take on the task of guiding our work under the present circumstances, and to reiterate my delegation's support for the efforts that you have been making together with the other Presidents for 2007 (what we refer to as the P-6) so that the Conference can move forward in its search for a solution to the deadlock that has been afflicting it for more than a decade.

I take this opportunity to reiterate my delegation's unconditional support for the constructive and progressive proposal put forward by the P-6, an imaginative solution, and to highlight the transparent and inclusive format of the consultations held in the first few months of the current session. I fully share your insightful analysis voiced a short while ago, and in this respect I accept your suggestion that we should not elaborate on the concerns and frustrations of my delegation, at least not on this occasion.

As we have said on various previous occasions, Peru will continue to work without any form of procedural preconditions in order to help to mould an agreement that will allow us to begin the substantive work of the Conference.

(Mr. Beleván, Peru)

On this occasion, I would like to take advantage of this session of the Conference on Disarmament to convey to the distinguished representatives of the member States some of the conclusions - personal conclusions, I should point out - set forth by the President of the Lima Conference on cluster munitions that took place in my country's capital from 23 to 25 May, that is, last week.

In the opinion of the President at all events, the Lima Conference, held to initiate negotiations on a legally binding international instrument prohibiting the use, manufacture, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, as well as to establish mechanisms for international cooperation and assistance ensuring appropriate care and rehabilitation for survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions, fully met the objective set by the Minister for Foreign Affairs of Peru, that of beginning an analysis of the main constituent elements thereof.

The view shared by the majority of participants was that victims constitute the main focus of the work that began in Oslo in February of this year, taking the humanitarian and human rights aspects into account in particular. Similarly, there seemed to be agreement among participants as to the need to provide adequate assistance to all victims, whether they are individuals, their families, their communities, as well as affected countries, since - you will forgive the repetition - this affects the social and economic development of all these victims.

It was also clear that prevention is one of the most effective means of reducing the negative impact of cluster munitions. In this respect, risk education is crucial. In this connection, the need to complement and not undermine existing international humanitarian law as set out in various international instruments that are in force, as well as agreements and mechanisms dealing with care for victims and persons with disabilities, was raised on several occasions by various delegations. The discussions also highlighted the clear interdependence among the various elements relating to clearance of areas affected by cluster munitions, taking into account various technical issues, protection of the civilian population, as well as the intrinsic characteristics of each type of munition. Emphasis was also placed on the importance of the urgent and immediate assistance which should be provided to affected countries and regions so as to reduce the risk that there will be new victims.

Some of the participants also highlighted the special responsibility of those States that have used cluster munitions both for promptly transmitting relevant information (in particular coordinates, numbers and types of munitions used) and in subsequent removal and clearance efforts. Others referred to the need for and importance of having appropriate approaches to each situation, as well as specific exceptions.

The discussions on the issue of stockpiles of cluster munitions that took place during the Lima Conference highlighted the high financial and technical cost of proper storage of the various types of cluster munitions, as well as the destruction of those banned under the future international instrument on the subject. In this respect, the quantities and types of stockpiled cluster munitions will have to be taken into account when the time comes to set a realistic deadline for compliance with the obligations relating to this matter.

(Mr. Beleván, Peru)

Speakers agreed that the experience gained in the implementation of various international treaties highlighted the importance of international cooperation and assistance for the full and comprehensive implementation of all clauses of a future international instrument on the subject. Thus this aspect would need to be an integral part of all the constituent elements of the future treaty on cluster munitions.

The sense of shared responsibility is a vital element. Some of the participants also raised the possibility of studying the establishment of funds for assistance and compensation. Similarly, some highlighted the important contribution that can be made by international assistance and cooperation in universalization.

In dealing with the issues of compliance, transparency and implementation measures, the participants reiterated the importance of cooperation, as well as the timely submission of national reports, which make it possible to clearly identify the problems and challenges facing any convention. Emphasis was also placed on the importance of drafting, adopting and implementing appropriate national legislation to ensure full compliance with all clauses of the agreement.

The discussion on definitions showed that there were various needs and options in this respect, particularly as regards the types of munitions which would be covered by the commitment undertaken in Oslo, as well as the need to maintain a balance between humanitarian aspects and those relating to military utility.

It was also possible to confirm the existence of different approaches to the subject, as between those advocating a technical solution and those of the view that the humanitarian aspect should guide the work of the Oslo process. A significant element that is closely related to this methodology is reflected in the positions taken up by those proposing a complete ban and the participants who argue in favour of the need to be selective in the proposed prohibition. But in any event, agreement seems to exist among all the participants as to the need to find a compromise formulation that will take both aspects into account.

It is also clear that there are different approaches being proposed for the future drafting of an article on definitions, between those working for a broad definition and those who would prefer more specific and detailed wording. Here reference was also made to the possibility of introducing elements relating to the age and lifespan of cluster munitions. Others referred to the need to specifically mention containers and submunitions separately.

What is clear from the intensive discussions that took place at the Lima Conference is that the participants showed a clear political will to move forward towards a solution to the humanitarian problem facing civilian populations as a result of the use of cluster munitions. It was also made explicit that this is an issue with cross-cutting implications, one that calls for a variety of appropriate responses.

Peru was especially pleased to note that 28 new States have decided to join in the efforts on which 46 countries embarked in February 2007 through the adoption of the Oslo Declaration. This issue deserves the full and timely attention of the international community.

(Mr. Beleván, Peru)

The constructive and committed participation of all participants, but particularly those that agreed to co-chair the thematic sessions, namely, Austria, Ireland, Mexico, New Zealand and Norway, made it possible to ensure the success of the Lima Conference and augurs well for achievement of the goals set in the Oslo Declaration.

The PRESIDENT: I thank the distinguished representative of Peru for informing us about what transpired at the Lima Conference.

That concludes my list of speakers for today. Unless somebody wants to take the floor at this stage, it would be my intention to adjourn the meeting.

I recognize Algeria first, and Japan after that.

Mr. KHELIF (Algeria) (spoke in French): First of all, Madam President, the Algerian delegation would like to congratulate you as you take the Chair and pledge its entire readiness to provide you with all the help and assistance you will need. It would also like to pay tribute to your predecessor, the Ambassador of Sri Lanka, for her untiring efforts.

Today we find ourselves in a situation which you described rather well in your introductory comments. You noted the feelings of pessimism and optimism which the delegations here share. The Algerian delegation nevertheless remains optimistic and still has hopes that document L.1 will secure the necessary consensus, provided that all delegations display the flexibility and mutual understanding necessary to resolve the issues and meet the concerns voiced by some delegations.

The Algerian delegation had the honour of speaking on behalf of the Arab Group at the last plenary meeting, when it called for multilateral transparent consultations on document L.1. On that point, the Algerian delegation feels that it might be a good idea for the Conference to respond to that call by organizing formal meetings on document L.1, to allow all delegations to voice their opinions and embark on interactive discussions in order to find a solution acceptable to all.

One plenary meeting per week does not seem to us sufficient. We have all the material and human resources we need to be able to hold lots of meetings during the remaining weeks. That is why the Algerian delegation suggests that as many formal meetings as possible should be organized on document L.1, and the sooner the better, because time is not on our side. We would like a programme of work for the Conference to be adopted during this session, and perhaps consensus on this subject could even be reached during the month of June.

The PRESIDENT: I thank you very much. I am taking good note of your proposal and I will come back later. Japan, you have the floor.

Mr. HIRAISHI (Japan): Madam President, since this is my first time to take the floor under your presidency, let me first congratulate you on your assumption of the presidency of the CD and assure you of our full cooperation.

(Mr. Hiraishi, Japan)

Japan is convinced that all countries share in the necessity of returning the Conference on Disarmament to substantive work and creating a real framework to facilitate further progress on disarmament and non-proliferation.

The Presidential draft decision, L.1, which is based on consultations with all the member States, is a well-balanced and practical compromise. Taking into consideration that there is no single proposal that can fully satisfy all CD member States, we ardently hope that the P-6 proposal can be adopted as it stands and finally get the CD back to work.

On the other hand, we need to duly take into account the expressions of concern and requests for clarification. To this end, there may be some value in examining the means to resolve these issues, means including a supplementary explanation by the President.

Consequently, Japan appreciates and supports the President's efforts to reach agreement through the further conduct of informal consultations, especially with the countries that have voiced apprehension.

The PRESIDENT: I thank you for your suggestion, and that suggestion, too, I bring with me and I will revert to you on how to proceed before too long.

I see no other speakers at the moment, and I would then intend to close this meeting.

The next plenary meeting will be on Tuesday, 5 June, at 10 o'clock in this room, and as a courtesy to delegations, I would like to give you advance warning that I intend to start on time.

This meeting stands adjourned.

The meeting rose at 10.40 a.m.