

CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE NINE HUNDRED AND TWENTY-SEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 May 2003, at 10.10 a.m.

President:

Ms. Mary WHELAN

(Ireland)

The PRESIDENT: I declare open the 927th plenary meeting of the Conference on Disarmament.

I would like to express our deepest sympathy concerning the powerful earthquake that has hit northern Algeria, causing a serious loss of lives, injuries and extensive damage. On behalf of the Conference on Disarmament, and on my own behalf, I would like to convey our condolences and sympathy to the Government of Algeria and to the victims of the disaster.

Distinguished delegations, I would like, on behalf of us all, to extend a warm welcome to the Foreign Secretary of Pakistan, His Excellency Mr. Riaz Hussain Khokhar, who will be addressing the Conference today. I am sure that we all appreciate this demonstration of the very high regard in which his Government holds the deliberations of the Conference and of the continued commitment on the part of the Government of Pakistan to the field of multilateral disarmament.

We will have two speakers on our list today. In addition to the Foreign Secretary, the Ambassador of New Zealand, Mr. Tim Caughley, will be addressing the Conference on behalf of the New Agenda Coalition. I would now like to give the floor to the Foreign Secretary of Pakistan, His Excellency Mr. Riaz Hussain Khokhar.

Mr. KHOKHAR (Pakistan): Madam President, it is a privilege to address the Conference on Disarmament under your Presidency. You represent a country known for its principled and forthright positions on arms control and disarmament issues, undeterred by the considerable unease that this often causes amongst Ireland's closest friends and allies. I assure you of the fullest cooperation and support of Pakistan for any initiative which seeks to advance the consensus priorities in disarmament.

The immobility of the Conference on Disarmament is disconcerting but not entirely surprising. This Conference is impelled by global dynamics. It is part of an international system that itself is undergoing a serious metamorphosis. Disarmament, non-proliferation and security are an integral part of this process.

Pakistan's interest in the effectiveness of the Conference on Disarmament is not academic or peripheral. While it is an international forum for the negotiation of arms control and disarmament agreements of a global nature, the regional impact and importance of such instruments for south Asia has always been crucial. The Chemical Weapons Convention - a major achievement of this Conference - unearthed a clandestine chemical weapons programme in our neighbourhood. The CTBT could have prevented nuclear-testing in south Asia in 1998 had one country in the region not blocked its adoption in the Conference on Disarmament. Similarly, there is a general expectation that the future fissile materials treaty is likely to have an important effect on nuclear developments in south Asia.

(Mr. Khokhar, Pakistan)

What happens in this forum, therefore, has a direct bearing on Pakistan's security. We have a vital stake in the Conference's success because the goal of equitable arms control and disarmament is good for our region besides being good for the world. My presence here today is meant to underline our support for this important body and its objectives of promoting multilateral disarmament and international security. We have always been, and will continue to be, an active and dependable member of this unique forum.

As nation-States, we have come a long way from the 1648 Peace of Westphalia. Still, true and lasting peace continues to elude the human race. No international system, whether based on the concept of balance of power, bipolarity or unipolarism, has been able to suppress the impulse for war. Conflict forever lingers in the background of inter-State relations. War, in the words of a perspicacious commentator, remains "the greatest unresolved riddle in politics".

War needs no argument or documentation to prove its horrors. Its growing lethality has made it unspeakably ruinous. It extinguishes innocent life, destroys the fruits of long years of endeavour and causes economic retrenchment. Above all, it endangers the freedom of everyone.

In this age of nuclear and sophisticated conventional weapons, war imperils man's very existence on this planet. Had he lived today, a wise man like Clausewitz might not have defined war as "nothing but a continuation of politics by other means". War may still be an option for achieving political goals, but it is now fraught with untold horror and destruction, irrespective of whether it is symmetrical or asymmetrical.

It took centuries of sustained commitment and painstaking exertion to build the present edifice of international law based on justice and equity. Admittedly, legal norms evolve to reflect the particularities of each epoch. Their continuous development is inevitable. Nevertheless, wrapping trite and dangerous security notions and doctrines of the past in new jargon, and their indiscriminate application, will pull us back into the times of anarchy. Chaos is in no one's interest.

It is true that the Charter of the United Nations is not the last word in good behaviour. Yet neither is it an ordinary document. It encapsulates the accumulated resolve of the international community, steeled in the cauldron of deadly conflict, to avert the scourge of such conflict for all times. It beckons us to conduct ourselves in peace in order to avoid the sadness of war.

The United Nations is a *sui generis* institution. It has proved its relevance even in situations of marginalization. Its founding vision and the principles which underpin it must be preserved.

Pakistan, as a current member of the Security Council, would continue to play its modest role in upholding international law and its continual evolution in the right direction. We will also spare no effort towards making the United Nations the central determinant of inter-State behaviour.

(Mr. Khokhar, Pakistan)

It is encouraging to see that the relevance of the Conference on Disarmament for international peace and security remains unchallenged. Its role in negotiating arms control and disarmament instruments continues to be underlined by the international community.

The Conference is the sole multilateral forum mandated to negotiate and conclude, on the basis of consensus, legally binding arms control and disarmament instruments. It symbolizes multilateralism based on the notion of interdependence. Security is a relative phenomenon. It cannot be achieved in abstraction. The Conference on Disarmament contributes to the maintenance of peace, at the minimum level of armament, on the basis of undiminished security for all. The fate of nations is more fully entwined than ever before. There is no escape from the reality or the virtue of multilateralism. Inter-State relations must return to its fold.

Pakistan is deeply concerned at the continuing gridlock in the Conference. An idle Conference on Disarmament is in no one's interest. If we fail to move decisively towards arms control and disarmament now, this task will become more difficult tomorrow as we muster new technologies and conquer distant frontiers in space. We should not place ourselves in an irretrievable situation. Viable security is unachievable except through cooperation and accommodation, that is, through credible multilateralism.

We must not let the spirit of collective action dissipate. It should be preserved to address new challenges and threats that are capable of wreaking unacceptable devastation. New security challenges do not diminish the overriding necessity of nuclear disarmament and non-proliferation in all aspects. They reinforce these objectives. There cannot be an enduring condemnation of weapons of mass destruction by some but not others, who themselves choose to retain them for perpetuity and even affirm a right to use them.

Lately it has become *de rigueur* to look at the entire disarmament process solely through the prism of terrorism. Such an approach, in our view, is fraught with risks. Disarmament and non-proliferation are necessary, not just to address new threats stemming from terrorism, but for the more vital goal of maintaining peace and promoting security among States.

The issues of nuclear disarmament, outer space, negative security assurances and a fissile-material treaty, cannot be put on the back burner. They remain of considerable significance for international peace. Substantive work on these and other issues should begin in the Conference without further delay within the framework of a balanced and comprehensive work programme. For this purpose, Pakistan will continue to play an active and constructive role.

There are some issues that are conspicuously missing from the Conference's agenda, notwithstanding their undeniable importance to global security, for instance, the issue of missiles and conventional arms control at the regional and subregional levels. Pakistan has proposed that these two items be given due consideration by the Conference.

(Mr. Khokhar, Pakistan)

All of us agree that the proliferation of missiles in all its aspects is destabilizing. Yet, for inexplicable reasons, some of us resist addressing this issue comprehensively and non-discriminatingly in accordance with the established United Nations rules of transparency and consensus.

The initiatives so far taken on the issue of missiles lack the stamp of universality. Even the proponents of an international code of conduct see this as just the first step. The Conference should address this issue comprehensively on the basis of the established principle of undiminished security for all States.

Another issue which we believe to be of utmost importance to international peace and security is that of conventional arms control at the regional and subregional level. Interminable arms races, especially in the tension-ridden regions of the Middle East and south Asia, are not only impeding the peaceful resolutions of disputes, but are also undermining their social and economic efforts.

It is the legitimate right of States to acquire the means to protect their independence, sovereignty and territorial integrity. The right of self-defence is enshrined in the United Nations Charter. But this right is not without limitations. Self-defence should not aim to render others defenceless. It must be defined and shaped by the prevalent international norms and legitimate security requirements. Predominance should not be its goal. Military acquisitions fuelled by this ambition spawn ruinous arms races to the detriment of peace, stability and economic advancement.

The principle of undiminished security at the lowest possible level of armaments and military forces offers the best framework for developing binding guidelines for States, taking into account the peculiar security dynamics of each region and subregion. The Conference should take up this issue urgently.

Following the recent initiatives undertaken by Prime Minister Vajpayee of India and Prime Minister Jamali of Pakistan, there is understandably an air of anticipation with regard to our region. It is our hope that a resumed dialogue between India and Pakistan will not only address the core issue of Kashmir, without which there cannot be any realistic hope for enduring peace and security in the region, but also enable our two countries to discuss strategic restraint and security-building measures. Mentioning nuclear dangers in our region is not an exercise in public relations. Nor is it meant to invite outside attention or intervention. Pakistan is confident of its ability to deal with any security challenges. This is borne out by the events of the last few months, when a million-man military mobilization had to be reversed because it was futile.

At the height of the recent military escalation along our borders, our neighbour's nuclear capable missiles were placed at forward-deployed positions. Should Pakistan have assumed that these were nuclear deployments ready for launch? What if there had been a launch detection by our side? In circumstances where massive conventional forces are poised for attack, backed up by possible nuclear deployments, can any country find reassurance in mere declaratory

(Mr. Khokhar, Pakistan)

affirmations of “no first use”? These are the kinds of likely dangers which inform our sincere desire to bring about stability, predictability, arms control and the resolution of outstanding disputes in our region.

In welcoming Prime Minister Vajpayee’s intention to break the impasse in our relationship, on 6 May 2003, the Pakistani Prime Minister announced a series of measures to set the stage for a meaningful dialogue with India. With regard to regional security, the Prime Minister stated:

“Nuclear realities in our region impose certain obligations and responsibilities on our two countries. It is, therefore, important for both India and Pakistan to engage in serious discussions for nuclear and strategic stability in our region. In this context, Pakistan supports the confidence-building measures outlined in the memorandum of understanding signed at Lahore in February 1999 and we hope that a reconvened dialogue will enable us to conclude substantive and result-oriented measures for arms restraint and promotion of security in our region.”

We wish our region to be identified not as a dangerous place but as one where the two nuclear neighbours can indeed coexist as responsible nuclear States. There are several measures which Pakistan is prepared to discuss and to reach agreement on. Both Pakistan and India are observing a moratorium on nuclear-testing. This can be formalized. An agreement on non-deployment of nuclear weapons based on agreed definitions will be a major factor for stability.

A formal agreement to notify each other of ballistic missile tests would constitute an important confidence-building measure. A conventional military balance in south Asia is critical to preventing the use of force which could escalate unpredictably. The recent military stand-off in south Asia has effectively debunked the myth of nuclear sabre-rattling by Pakistan. Our conventional means of defence were sufficient deterrence.

In preserving this conventional balance, a major responsibility rests with States which are large exporters of conventional weapons. Most of them are ardent supporters of non-proliferation. They also subscribe to prescriptions calling for non-transfers of weapons to regions of tension. Yet there is a pattern of these words not matching deeds. Already there are forecasts of conventional weapons transfers to our neighbourhood which could seriously erode the conventional balance and generate instability and insecurity. Transfers of anti-missile systems, airborne early-warning capabilities and major naval capabilities, including nuclear propulsion craft, will be viewed by Pakistan with the utmost seriousness, and we will be obliged to take countermeasures. We believe that an arms race in our region is avoidable and unnecessary, and those who wish to see south Asia emerge as a peaceful and prosperous region will underscore their goodwill through prudent decisions as regards transfers of destabilizing weapons systems.

South Asia needs a new architecture of security based on agreed tenets. This must, at the minimum, include the following: first, forswearance of the use or the threat of force in settling disputes; second, full respect for the sovereignty and territorial integrity of all States of the

(Mr. Khokhar, Pakistan)

region; third, a permanent mechanism for bilateral dialogue and consultations for disputed settlement; fourth, initiation of result-oriented talks for devising mutually acceptable confidence-building measures in the nuclear field; fifth, stabilization of conventional forces at levels consonant with the legitimate security needs of all States of the region; and, sixth, renewed commitment to joint efforts to combat the true enemies of south Asia, namely, poverty, hunger, illiteracy and disease.

It is now time that the history of south Asia, chequered by mistrust and division, should take a new course. Immediate agreement to act on these general principles could constitute the starting point of this new beginning.

Pakistan's nuclear capability is purely for self-defence and the consequence of singular historic and strategic factors. The experience of south Asia need not be replicated in other parts of the world. We, therefore, firmly share the international community's commitment to the non-proliferation of weapons of mass destruction. Pakistan's commitment to non-proliferation is the result of its own conviction and manifest in its actions. We are a party to both the BWC and CWC and are stringently adhering to the obligations assumed under the two treaties. Our nuclear assets are under a strict physical protection regime and elaborate custodial controls. A rigorous security and monitoring system rules out any danger of transfers of sensitive materials, equipment, technology or information. With a blanket prohibition against any exports whatsoever, our export controls go even beyond the standards of supplier control regimes.

Itself a victim of terrorism, Pakistan is actively cooperating with the international community to combat this scourge. We have taken a number of specific and far-reaching measures, which have been widely acknowledged.

Pursuant to Security Council resolutions, Pakistan has developed a legal and practical mechanism effectively to halt financial and other support to terrorist organizations and groups. Several sectarian and extremist groups have been banned and their assets frozen. Pakistan has signed or ratified 11 out of the 12 anti-terrorism instruments. We have also signed the Convention on Combating Terrorism concluded by the Organization of the Islamic Conference (OIC). This clearly reflects our commitment against terrorism in all its forms and manifestations.

While our resolve to fight terrorism without exception is unflinching, we will oppose, with equal determination, any attempt that seeks to belittle the principle of self-determination as enshrined in the United Nations Charter and the Universal Declaration of Human Rights. The struggle for self-determination is neither unlawful nor is it terrorism. On the contrary, the international community is duty-bound to support this just and legitimate cause. Foreign occupation is inimical to a world which cherishes freedom. The major Powers bear a special responsibility in rising above political and commercial expediencies to restore dignity to those who remain deprived of it.

(Mr. Khokhar, Pakistan)

In our region, the denial of the right of self-determination to the people of Jammu and Kashmir remains an acute source of tension. It is indeed the underlying cause of the south Asian dilemma. In a nuclear environment, the continuation of this dispute rightly worries everyone. The goal of achieving true and lasting peace in our region will remain elusive unless this dispute is resolved in a just manner, in accordance with the wishes of the people of Kashmir.

Prime Minister Mir Zafarullah Khan Jamali, soon after assuming office last year, reiterated Pakistan's sincere desire to resolve the Jammu and Kashmir dispute through negotiations, inviting India to respond positively to our call for the commencement of a sustained and meaningful dialogue on all outstanding bilateral issues. The recent initiatives between the two countries are encouraging. It was important to break the ice accumulated over the last 18 months.

The decision to restore diplomatic relations at the level of high commissioners and communication links to their normal levels is a step in the right direction. Pakistan is ready to commence a new journey, which will finally break the shackles of the mistrust and malevolence which have marred our bilateral relations for the past several decades. War and conflict should not be the fate of the people of south Asia. The bounty of peace must be preferred to the insanity of war.

Let me conclude with the earnest hope that this forum will not fail to make its own contribution to the achievement of this objective globally. We would not like to believe that its current state of remission is a permanent one. The issues which it is mandated to resolve are real, serious and urgent. Their effective redressal requires multilaterally negotiated universal norms, which will not materialize without the full and continuous engagement of this forum. We are confident that accelerated effort in this direction, despite the current impediments, will eventually restore its vibrancy, which has in the past led to the formulation of valuable legislation in the vital areas of disarmament, arms control and non-proliferation.

The PRESIDENT: I would like to express my appreciation to the Foreign Secretary for the very kind remarks that he made about Ireland's disarmament policy. I would also like to express the appreciation of the Conference as a whole to the very wide-ranging statement that you made on disarmament and arms control issues. You have in particular, I think, challenged us as a body to live up to our mandate and to discharge our mandate and I would hope that we pay heed to your words. Thank you for that.

I give the floor now to the Ambassador of New Zealand, who will be making a statement on behalf of the New Agenda Coalition.

Mr. CAUGHLEY (New Zealand): Madam President, let me begin by saying what a pleasure it is for us to see you presiding over this Conference.

Today I am pleased to take the floor, as you have indicated, on behalf of the New Agenda Coalition and the Governments of Brazil, Egypt, Ireland, Mexico, South Africa, Sweden and New Zealand.

(Mr. Caughley, New Zealand)

Last year, after the first meeting of the Preparatory Committee for the 2005 NPT Review Conference, the New Agenda tabled in the Conference on Disarmament its position paper for the review process. I am now tabling the latest version of that paper, as recently presented to the Preparatory Committee at its second meeting, in document NPT/CONF.2005/PC.II/16.

The New Agenda remains steadfast in its determination to see the 2000 Outcome, in particular the “unequivocal undertaking by nuclear-weapon States to accomplish the total elimination of their nuclear arsenals”, and implementation of the 13 practical steps towards nuclear disarmament. Recent trends in the global security situation have been deeply troubling. The New Agenda took these developments into account when submitting its position paper at the second meeting of the Preparatory Committee.

The position paper is relevant to the work of the Conference on Disarmament in a number of respects and, given current international concerns, the New Agenda continues to be dismayed that this Conference cannot get down to work. It is of no comfort to us that this situation is contrary to the wishes of the vast majority of delegations, which want this body to agree on and to implement its work programme forthwith.

The New Agenda’s position paper, in looking ahead to the 2005 Review Conference, urges the Conference on Disarmament to establish without delay ad hoc committees to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty on fissile material for nuclear weapons or other nuclear explosive devices, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives.

The paper also notes that the Conference on Disarmament, as the single multilateral negotiating forum, has the primary role for the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects. The Conference must complete the examination and updating of the mandate contained in its decision of 13 February 1992, and establish an ad hoc committee as early as possible.

We will not elaborate on these issues any further as the New Agenda’s position paper speaks for itself. In short, the expectations of progress that resulted from the 2000 NPT Review Conference have to date not been met. We therefore continue to urge the Conference on Disarmament to adopt its programme of work as a matter of urgency.

Madam President, with your consent I shall now address a few words on behalf of New Zealand, following on, as you have indicated, the important statement made this morning by the distinguished Foreign Secretary of Pakistan.

We welcome the latest signs of the readiness of the Government of Pakistan to open a dialogue in response to India’s overtures and actively to explore measures that can serve to build confidence and improve the prospects for reducing tensions between two neighbouring States.

Finally, Madam President, I would like warmly to commend you on all your efforts to increase the involvement of non-governmental organizations in this forum.

The PRESIDENT: I would like to thank the Ambassador of New Zealand for his personal comments and also for the statement that he has made on behalf of the New Agenda Coalition.

Are there any other delegations looking for the floor this morning? I see none.

I would propose then to make a few closing comments at the end of Ireland's term as president of the Conference on Disarmament.

On 20 March, in the opening address I made as President of the Conference, I referred to the deep-seated malaise which affects this body. We have for many years agreed on an agenda for our work. Yet we have failed to address the issues on this agenda. While the overwhelming majority of members are prepared to commence work on all items of our agenda, there is no consensus to do so. Over the years many approaches have been tried. The one which continues to command the greatest degree of support is undoubtedly that known as the Amorim proposal.

Despite our consistent failure to take practical steps to address the items on our agenda, we meet here regularly to listen to statements on issues relevant to disarmament. Many of these statements, such as that which we have heard this morning from the Foreign Secretary of Pakistan and the statement on behalf of the New Agenda Coalition, are very substantive and confirm the strong interest which most of the members have in taking practical steps to make our world a safer and more secure place for all our citizens.

It is Ireland's view that our continuing deliberations would be enhanced by the active engagement of civil society in our work. For this reason, on 20 March, I asked members to reflect on whether there were any steps - however modest - that they could agree on in order to take this issue forward. I am very grateful for the constructive and open approach taken by many delegations.

Following consultations, I wrote to the regional coordinators and China and asked if their groups would be prepared to agree on the following steps, for a trial-period of 12 months: the first step would be to invite non-governmental organizations to address the Conference on one or two occasions in the course of 2004. The second step would be to enable non-governmental organizations to place relevant written material outside our meeting room. These, I think you will all agree, are extremely modest steps. In my letter, I stated that, in my view, these steps would not require an amendment to the rules of procedure of this Conference.

The regional coordinators reported back yesterday on the responses of their groups. There is agreement amongst all groups on the second step, namely, to accommodate the wish of non-governmental organizations to place relevant written material outside this meeting room.

In relation to the first step, which would be to invite non-governmental organizations to address the Conference on one or two occasions in the course of 2004, some groups indicated that they would appreciate receiving legal advice as to whether the rules of procedure permitted

(The President)

this. I have asked that this issue be submitted to the legal services for formal legal advice and I understand that that has been done. When this advice is received, it will be made available to all members of the Conference.

Notwithstanding that possible advice and recognizing that this house is master of its own procedure, it is my understanding that there is considerable support for the idea of permitting non-governmental organizations to address the Conference on one or two occasions in 2004. Following my consultations yesterday, I believe that it would be easier to achieve consensus were this to be followed up in an informal rather than a formal meeting of the Conference on Disarmament.

Practical questions have been asked as to how to give effect to any possible decision. In my view, if we agree that we wish to invite the participation of non-governmental organizations in one or two sessions of our work next year, a possible way of proceeding would be for the first presidency of 2004 to engage with the NGO Committee on Disarmament on the modalities for giving effect to any decision which the Conference may take later this year.

Pending the receipt of legal advice and further consultations, I would hope that it would be possible for future presidencies of the Conference in 2003 - in other words, Israel, Italy and Japan - to bring this matter to a successful conclusion before the end of our session.

It only remains for me at this stage to wish my successor in this post, Ambassador Yaakov Levy of Israel, every success during his term of office.

Distinguished delegates, I cannot close this meeting without expressing my deep appreciation to the secretariat. I think that I would express their wishes if I were to say that they would like to have more work to do in this body, but what they have done, in particular in providing information to us in relation to the participation of non-governmental organizations in other disarmament forums, is very much appreciated and their advice is greatly appreciated.

As you are aware, next Thursday is an official holiday of the United Nations and the Palais des Nations will be closed. Therefore, in accordance with the previous practice, the next plenary meeting will be held on Tuesday, 27 May 2003, at 10 a.m. in this room.

The meeting rose at 10.50 a.m.