

# CONFERENCE ON DISARMAMENT

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## FINAL RECORD OF THE NINE HUNDRED AND THIRTY-FIFTH PLENARY MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 14 August 2003, at 10.20 a.m.

President:

Mr. Carlo TREZZA

(Italy)

The PRESIDENT: I declare open the 935th plenary meeting of the Conference on Disarmament.

At the outset, I would like to extend a cordial welcome and best wishes to Ambassador Carlos Antonio da Rocha Paranhos of Brazil, who has recently assumed his responsibilities as representative of his country to the Conference on Disarmament.

I have the following speakers for today's plenary meeting: Romania, Mr. Petru Dumitriu; and Japan, Ambassador Kuniko Inoguchi. I will also make a concluding statement as Italy's presidency comes to an end.

I now give the floor to the representative of Romania, Mr. Petru Dumitriu.

Mr. DUMITRIU (Romania): Mr. President, I would like to congratulate you, since this is the first time we are taking the floor during this part of the session, on your assumption of the office of President of the Conference.

I would like to join my voice to the plea already made by other distinguished representatives in favour of a decision that gives impetus to the work of the Conference on Disarmament and reiterate the position of Romania - similar to that of the majority of delegations - on the necessity of reaching consensus on at least starting negotiations on a number of agreed issues that have stood before us for more than seven years.

Let me praise you for your diligent efforts and the consultations you have recently undertaken with a view to making a long-awaited breakthrough in eventually succeeding to adopt a programme of work. I would support the important principles you described in your statement of 7 August as underlying prerequisites for an agreed programme of work: first, striking a balance among items which should be relevant in the long term; second, planning discussions or negotiations on various issues in such a way as to avoid handling too many themes at the same time; third, adopting an approach that would remove the risk of the Conference being held hostage to issues on which there is not yet agreement, despite the fact that on an important number of other matters there is a satisfactory degree of interest and acceptance.

I can also express our support for the position you presented on 31 July, according to which the Conference on Disarmament - although a negotiating body - should also function as a forum for debates and exchanges of views on the most current topics of the agenda for global peace, security and stability.

In other words, even a less comprehensive agenda would be much better than the longstanding stalemate in the work of the Conference on Disarmament, which is unacceptably inert for the unprecedentedly dynamic world we live in.

I would like to take this opportunity to inform the Conference on Disarmament on recent national developments in connection with the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW). On 27 June 2003, the Parliament of Romania adopted

(Mr. Dumitriu, Romania)

law No. 287 on adhesion to amended article 1 of the CCW, as well as to Amended Protocol II and Protocol IV of the above Convention. The law was promulgated by the President of Romania, by decree No. 416, and published in the Official Journal (No. 555, part I) of 14 July 2003. Thus, almost the entire internal procedure has been completed for Romania to become a high contracting party to the two additional protocols to the CCW when the instruments of adhesion are deposited with the United Nations Secretary-General, probably in September.

Romania attaches great importance to the CCW in its regulations and prohibition of weapons which may be deemed excessively injurious or have indiscriminate effects. Since its entry into force, almost 20 years ago, the CCW has proved to be an important international instrument not only in the area of disarmament, but also in the demanding realm of international humanitarian law. We believe that the main purposes of the Convention are, on the one hand, to protect civilians from weapons that cause particular human suffering and, on the other, to protect soldiers and combatants from weapons that are unnecessarily harmful and thereby exceed normal military requirements. Romania's commitment to CCW regulations and principles has been demonstrated by its ratification of the Convention on 26 June 1995.

Since its adoption, the CCW has gradually been strengthened through amendments to existing protocols as well as adoption of new ones. These improvements demonstrate the flexible nature of this framework convention, which constantly allows the States parties to match new military advancements and technologies with further appropriate measures and restrictions meant to ensure that injuries of civilians or damage to their property are kept to a minimum - taking into account both military requirements and humanitarian law.

It is with this conviction that Romania decided to adhere to the latest improvement of the CCW, decided by the Second Review Conference in December 2001, where States parties took the important step of extending the Convention's scope of application to cover not only international armed conflicts, but also non-international armed conflicts. We appreciate that this is a particularly important decision, as non-international conflicts represent the majority of current armed conflicts.

Like many other high contracting parties, Romania views Amended Protocol II as a significant component of the CCW, and, at the same time, as an instrument complementary to the Ottawa Convention in our common effort to reduce the senseless humanitarian suffering that results from using mines, booby-traps and other similar devices in armed conflict. By adhering to this protocol in the amended form of 3 May 1996, Romania has also accomplished the political commitment undertaken under the Ottawa Convention.

At the end of my brief intervention, allow me to express the hope that, by adhering to these instruments, Romania has brought its own modest but genuine contribution to the universalization of the CCW, and of humanitarian law in general. We continue to be interested in this issue and remain actively engaged in the work of the Group of Governmental Experts of the States Parties to the CCW, with a view to further strengthening and expanding the customary rules that regulate the conduct of hostilities.

The PRESIDENT: I thank the distinguished representative of Romania for the kind words addressed to the Chair and for his constructive statement on the programme of work of the Conference on Disarmament and on the issue of CCW. I now give the floor to the distinguished representative of Japan, Ambassador Inoguchi.

Mrs. INOBUCHI (Japan): Mr. President, at the outset, allow me to express my appreciation to you for your energy and enthusiasm in conducting the presidency of the Conference at a time when pessimism and cynicism are closing in on us. The positive attitude you have adopted gives me great courage as I prepare to succeed to the presidency at such a difficult juncture.

I was also encouraged by the new flexibility that has been shown by the delegation of China on the issue of the programme of work of the Conference. I am convinced that all States will now have to pay even closer attention to the current situation of the Conference on Disarmament and I particularly look forward to further fruitful discussion between China and the United States on this issue. I am hopeful that, in the near future, the Conference will be able to reach agreement on its programme of work based on past proposals, including that of the five ambassadors. At the same time, I concur with you on the need to pursue an approach through which the Conference can contribute to international peace and security in a substantial manner, pending agreement on its programme of work.

I have asked for the floor today to introduce a working paper on a treaty to ban the production of fissile material for nuclear weapons and other explosive devices (FMCT). This is part of the efforts that my Government has been making to engage the Conference in substantial debate on its most pertinent issues, even if the Conference falls short of performing its fundamental function, which is disarmament negotiation. I believe that, when the establishment of ad hoc committees is not possible, conducting substantial debates at plenary meetings is a highly meaningful exercise.

For the past decade, the FMCT has been the priority in multilateral nuclear disarmament and non-proliferation for the international community and will be all the more so in the future, owing to the growing threat of the proliferation of weapons of mass destruction to States and non-State actors such as terrorists. The fact that the Conference on Disarmament is still unable to start FMCT negotiations is jeopardizing the relevance of this institution to international peace and security. It also has negative implications for the regime of the Nuclear Non-Proliferation Treaty.

Japan has been doing its utmost to promote this priority issue from its capital, as well as here in Geneva. The purpose of this working paper is primarily to structure discussion on the FMCT. It categorizes various issues related to the treaty under three headings: first, scope; second, technical deliberations, including verification; and, third, organizational and legal issues. I believe that such structuring will facilitate understanding on related issues and provide a useful format for multilateral debate.

(Mrs. Inoguchi, Japan)

First, future negotiations will have to define the scope of the FMCT. The question of whether the FMCT should deal with the issue of existing stocks was not settled in the Shannon report (CD/1299) and is likely to be the most controversial issue in future negotiations. Several options have been discussed to deal with it, ranging from its total exclusion to the inclusion of legally binding provisions dealing with the matter. Japan is at this stage open on this matter to any suggestions that are conducive to further nuclear disarmament and non-proliferation and also to the facilitation of the FMCT negotiation process.

On the other hand, the Shannon mandate clearly precludes fissile material for peaceful purposes from the scope of the prohibition. This question should not be reopened.

Second, substantial technical deliberations should be focused on future production. Such deliberations should elaborate a verification system. Any tactics to link the banning of future production with the issue of existing stocks will unnecessarily prolong negotiations and be harmful to nuclear non-proliferation and disarmament. The argument that technical issues can only be dealt with after the scope of the treaty has been determined is not viable.

An internationally effective verification system needs to be created for the FMCT. With respect to the modality of verification, a comprehensive approach and a focused approach have been proposed and discussed extensively. Which approach will be the optimum solution is an important but difficult question. In order to find an answer to this question, it will be necessary to consider factors such as security benefits, confidentiality, effectiveness of verification and, of course, cost-efficiency.

It is generally considered that the IAEA safeguards measures, provided by both the comprehensive safeguards agreements and the Additional Protocol, may provide a good basis for the consideration of a future verification system for banning the production of fissile material for nuclear weapons and other explosive devices. No additional obligation should therefore, in principle, be imposed on non-nuclear-weapon States which both conclude comprehensive safeguards agreements and adhere to the Additional Protocol.

Given the variety and complexity of issues under technical deliberation, the idea to establish, in advance of the commencement of negotiations, a group of experts similar to the one established for technical work on the verification of the CTBT, merits serious consideration. It would be useful to prepare a common knowledge basis for future negotiations on the issues that are technically complicated but also require difficult political judgements.

Finally, in order to facilitate negotiations on the FMCT verification system, it would be beneficial to make full use of past experience, expertise and infrastructure to the extent comparable with the scope and aim of the FMCT. This issue should also be discussed in terms of such an organization's potential to become the future organization responsible for verifying nuclear disarmament and, ultimately, underpinning the nuclear-weapon-free world.

I will ask the secretariat to circulate this working paper as an official document of the Conference.

The PRESIDENT: Thank you, Ambassador Inoguchi, the incoming President of the Conference on Disarmament, for the encouraging words addressed to the Chair. I also wish to thank you for your constructive remarks regarding the programme of work of the Conference and for the highly meaningful contribution on one of the important items in the programme of work that we are trying to define in the Conference.

This concludes my list of speakers for today. Does any delegation wish to take the floor at this stage? If that is not the case, I would like to make some concluding remarks as the Italian presidency comes to an end.

This is the last plenary session to take place under the Italian presidency of the Conference on Disarmament and the moment to draw some conclusions about those weeks of work. I have continued my consultations both formally and informally until today, and I want to thank all colleagues who have given me precious advice and information. I also want to thank those who have taken the floor during the Italian presidency, thus making a constructive contribution to our work. Indeed, I believe that, in spite of the difficulties we have had and still have in adopting a programme of work for the Conference, it is important that delegations present their views and make their contributions.

At the last plenary, three delegations - Ukraine, China and the Russian Federation - made statements with regard to the latest developments. They all referred to the proposal made on 26 June by the Permanent Representative of Belgium on behalf of the five ambassadors on the programme of work of the Conference, on an amendment to the five ambassadors' text on PAROS and an adjustment of the suggested Chinese amendment to the same text. Each of the three delegations, albeit in different ways, expressed a positive attitude vis-à-vis such a proposal, their responses ranging from acceptance to flexibility. It is also my understanding that the five ambassadors' proposal is now to be considered amended by the 26 June adjustment suggestion. We can therefore view that proposal for a programme of work in a new light, since it now incorporates the above-mentioned adjustment. This reading has been confirmed to me by some of the authors of that text as well as by some of their representatives.

I have already stated that, in my view, progress in the Conference on Disarmament will not be the result of a miracle, but rather the outcome of a gradual process - centimetre by centimetre - aimed at reducing the gap between the different positions and at revitalizing the Conference. That is why, in the past weeks, the presidency, working both in Geneva and in some capitals, has tried to encourage and assess possible gradual progress.

The day before yesterday I held informal consultations with all the coordinators and the Representative of China to assess the evaluation of the latest developments within their respective groups. In particular, I asked them how the 26 June proposal and subsequent reactions by three countries were being seen within their groups. I have also had consultations with the former and future presidencies, as well as with other colleagues.

All this converged into the presidential consultations which took place yesterday.

(The President)

May I say that I feel moderately encouraged by the result of these consultations, since two of the three coordinators made, on behalf of their respective groups, what I consider a positive assessment of the latest developments: i.e., the new language proposed on 26 June on behalf of the five ambassadors on the prevention of an arms race in outer space and the reaction of some delegations. Of course further study and reflection by delegations is necessary. There has been no negative response. Other perceptions and priorities have also been expressed on issues not specifically related to the 26 June proposal.

I therefore venture to conclude that there is a sound and constructive base for further work. This, however, is just a small “embryo”, one which should be cocooned, safeguarded and nurtured, so that it can flourish and grow in the future. Not all countries and groups can move at the same pace. In the Conference on Disarmament, because of the rule of consensus, we have to move as a convoy in a climate of understanding and solidarity. I therefore encourage further study and reflection.

Even if we could reach a full common understanding on the 26 June proposal we would not yet have solved the issue of the programme of work. Thus, more has to be done to bridge the existing gap on the programme of work, which should not be a “take-it-or-leave-it” package. Some items on the existing list may be considered ready for negotiation and discussion. Some delegations have already mentioned what they consider to be some of the most important items. As I said last week, we should not establish a hierarchy among items. We should take into consideration the concerns of all sides and there should be a balance - at least in the long term - among the many items. Several countries have mentioned to me the problems they would have in dealing with all of them simultaneously.

The search for a programme of work remains, in my opinion, the principal task to be pursued at the present stage, and I have dedicated my greatest efforts to that. I have also tried, during Italy's presidency, to address other issues which deserve our attention. I have had very useful discussions on new items which could be considered, in view of the fact that the agenda of the Conference on Disarmament was agreed upon many years ago and that major new developments have taken place in the meantime. I remain of the view that it is legitimate to address those issues. We should examine in particular the way in which these developments could affect our programme of work.

In my opening statement, I said that great appreciation goes to those who have succeeded in bringing their government officials to address the Conference, because the Conference's issues should be brought to the attention of our political leaders. I wish therefore to pay tribute to those delegations which have announced that government officials from their countries will address the Conference on Disarmament in the coming weeks. I consider that to be a very positive development.

Let me conclude by thanking the regional coordinators, the previous and future presidencies, the secretariat, all delegations and the interpreters for their support, cooperation and assistance. My best wishes go to my successor in this Chair, Ambassador Inoguchi of Japan. She will have the task of presiding over this body during an important period, not only because the Conference's report to the General Assembly will be drafted during her tenure but also

(The President)

because in the past few weeks some significant events have taken place and others will occur. I am convinced that the Conference is in good hands at this particular stage. We can place our full support and confidence in the incoming presidency.

Before concluding this meeting, I would like to look at the timetable of meetings for next week. In this connection, I would recall the decision on the improved and effective functioning of the Conference on Disarmament adopted on 21 August 1990, document CD/1036, and in particular, its paragraph 4, according to which the Conference shall hold two plenary meetings for, among other periods, the middle two weeks, weeks 21 and 22, of the third part of the annual session. This year the twenty-first week of the session begins next Monday, 18 August, and the twenty-second week begins on Monday, 25 August. At this stage, there are no speakers for next week. I therefore propose, if I do not hear any views to the contrary, that the Conference hold only one plenary meeting next week, on Thursday, 21 August 2003.

It was so decided.

This concludes our business for today.

The meeting rose at 10.50 a.m.