

CONFERENCE ON DISARMAMENT

CD/PV.937
28 August 2003

ENGLISH

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

Held at the Palais des Nations, Geneva,
on Thursday, 28 August 2003, at 10.15 a.m.

President:

Ms. Kuniko INOUCHI

(Japan)

The PRESIDENT: I declare open the 937th plenary meeting of the Conference on Disarmament. I have the following speakers for today's plenary meeting: Sri Lanka, Ambassador Prasad Kariyawasam, and Australia, Ambassador Michael Smith.

I now give the floor to the distinguished representative of Sri Lanka, Ambassador Prasad Kariyawasam.

Mr. KARIYAWASAM (Sri Lanka): Madam Chair, it is a privilege to take the floor on behalf of my country at a time when Japan is presiding over this important forum. We in Sri Lanka have always enjoyed a close and abiding friendship with the people of the land of the rising sun. For the people of Sri Lanka, the East symbolizes light. Madam Chair, you have personally brought new light and spirit into this forum with a fresh, enthusiastic and determined approach, and we are confident that under your energetic leadership, this forum will once again move towards seeing light. You can be assured of the fullest cooperation of my delegation in all your endeavours.

May I also take this opportunity to pay tribute to your predecessor, Ambassador Carlo Trezza, for his efforts to get this forum moving from its impasse?

Due to the current predicament in this forum, it appears timely to take a bird's-eye view of where we are with respect to the past, present and future of our work.

The Conference on Disarmament, as this forum is called now, is primarily a product of the landmark United Nations meeting that took place in 1978, exactly a quarter of a century ago. The United Nations General Assembly, at its tenth special session, devoted for the first time to disarmament matters, adopted a final document by consensus which created several mechanisms for action on disarmament issues and set up this body, stating that:

“The Assembly is deeply aware of the continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus.”

I request the indulgence of this audience to quote the first paragraph of the Final Document of that special session, due to its continuing importance.

“The attainment of the objective of security, which is an inseparable element of peace, has always been one of the most profound aspirations of humanity. States have for a long time sought to maintain their security through the possession of arms. Admittedly, their survival has, in certain cases, effectively depended on whether they could count on appropriate means of defence. Yet the accumulation of weapons, particularly nuclear weapons, today constitutes much more a threat than a protection for the future of mankind. The time has therefore come to put an end to this situation, to abandon the use

(Mr. Kariyawasam, Sri Lanka)

of force in international relations and to seek security in disarmament, that is to say, through a gradual but effective process beginning with a reduction in the present level of armaments. The ending of the arms race and the achievement of real disarmament are tasks of primary importance and urgency. To meet this historic challenge is in the political and economic interests of all the nations and peoples of the world as well as in the interests of ensuring their genuine security and peaceful future.”

Despite having adopted these words unanimously a quarter-century ago under the different international and security order prevailing at that time, every word still remains valid and relevant, even now, from our perspective.

Following SSOD-I, the Committee on Disarmament, the previous name of this forum, was established as a direct descendant of the Eighteen-Nation Committee on Disarmament (ENDC) and commenced its work with a five-point agenda in 1979. Today, the Conference focuses on a seven-point agenda. Two issues, namely nuclear test ban and chemical weapons, that were on the 1979 agenda are no longer with us, since we have completed work on these issues, as aspired to by the international community. We have in the meantime added several new issues, namely prevention of nuclear war, including all related matters; prevention of an arms race in outer space; comprehensive programme of disarmament; and transparency in armaments. It is clear that some agenda items have remained unattended to for too long, despite the continuing threat to humankind by the issues that need to be addressed under those items. The item on cessation of the nuclear arms race and nuclear disarmament requires, no doubt, our urgent attention, to remove apprehensions about both the vertical and the horizontal proliferation of nuclear weapons. Several other items, although in the realm of an impending or perceived threat, also require our attention, since prevention is better than cure. In this category, prevention of an arms race in outer space and new types of weapons of mass destruction beg our continuing attention.

Some would question how well the Conference on Disarmament has borne the responsibility assigned to it by the international community a quarter-century ago. It is our view that this Conference has been successful in its task, if we take a long-term perspective of its achievements. The Comprehensive Test-Ban Treaty (CTBT) and the Chemical Weapons Convention (CWC) were landmark achievements that enabled us to write off these two agenda items for good. Surely, a multilateral forum that has been decreed to work by consensus will not, and cannot, produce an agreement every year. But we agree that the Conference simply cannot rest on past laurels.

Some would argue that the Conference was set up in its present form 25 years ago, and that therefore its role needs to be reassessed and reconfigured to suit our times. Yes, we agree that some aspects of this forum are anachronistic. The ever-increasing role of civil society and the results of global socio-political liberalization which, with the attendant political realignment of States, has engulfed the world during the last quarter-century do not appear to have been reflected adequately in this forum. For instance, non-governmental organizations are not yet allowed any meaningful participation in the Conference. Moreover, some wonder about the

(Mr. Kariyawasam, Sri Lanka)

efficacy of the current political groupings observed by the Conference. In addition, we are also of the view that issues of current concern to the international community should have a place for discussion in this forum, not necessarily to negotiate immediate agreements or conventions, but at least to understand and delineate those issues so as to ascertain how such matters may be relevant to our work.

My work as the Special Coordinator on the improved and effective functioning of the Conference, the tenure of which spanned almost four parts of sessions, commencing with the last part of the 2000 session, provided me an excellent opportunity to study and reflect on current procedures in the Conference. It was clear that most delegations were keen to reform the functioning of the Conference, including the methods of decision-making and procedures for the establishment of subsidiary bodies. However, there was reluctance on the part of others who wished to continue with the status quo. The reform of procedures was not seen as a panacea for the substantive ills of the Conference. It is obvious that procedural innovations are not welcome as means to muster “political will” to effectively address substantive issues, some of which are connected with strategic balance and the larger security interests of States or groups of States. Such substantive issues in the first instance, we agree, would require discussion, analysis and an exchange of views, followed by negotiations for possible agreements. In our view, the inability to commence work on any subject in this forum lies in the perception, or rather misperception, of the nature and scope of our work and a misplaced reluctance to make use of available procedural means.

This forum derives from the United Nations General Assembly its mandate to negotiate on disarmament issues to enhance international peace and security. In this context, our work is predicated on the assumption that international security and the internal security of States cannot be built upon military hardware only. It requires “soft power” that has national and international legitimacy and should enjoy widespread international respect. Hence, our efforts can also be directed towards creating normative ethics on disarmament and arms control. Such ethics do not require intrusive verification mechanisms that are generally built on suspicion and apprehension that someone will cheat. Instead, such ethics are built on confidence and cooperation, as well as respect and concern, for one another. In multilateral diplomacy, there is always room to develop widely accepted norms that will enjoy the force of international legitimacy, even reaching the level of customary international law. After all, the civilized world bases its actions on law and reason, while those who perpetrate indiscriminate violence base their actions on the premise that the end justifies the means. Our role therefore could be to work for the international community to create not only verifiable and legally binding disarmament agreements, but also norms and ethics for disarmament and arms control, which will enhance international security and peace. The Ottawa Convention on Anti-Personnel Mines has no doubt created such a norm. The Biological Weapons Convention (BWC) is yet another example. Admittedly such normative instruments are not perfect, may not be universally accepted yet and may therefore require further improvements. But it is our expectation that there will be “political will” one day to improve and universalize such normative ethics as a result of “public will”. We are fully aware of the potential of “public will” to turn around “political will”.

(Mr. Kariyawasam, Sri Lanka)

There is another important aspect that this Conference must take into account. The world, whether we like it or not, is inexorably globalizing, with profound impacts on means of communication, transportation and economic interdependence. Isolationism or creating fortress communities are not options any more. In such a climate of transformation in all aspects of our lives, peace and security have also come to depend more and more on cooperation and accommodation. No country, however overwhelmingly powerful, can achieve a state of perfect security by going it alone. Concepts of common security that were enunciated long years ago seem more relevant now to achieving security for all in our interdependent world. It is clear that multilateralism and multilateral approaches are the best means of achieving solutions to multifaceted problems, including international peace and security, as well as tomorrow's threats like international terrorism, in particular, WMD and terrorism.

We reckon the impact that the issues contained in the agenda of the Conference would have upon the strategic balance and the fundamental security concerns of nations. Therefore, a work programme acceptable to all, no doubt, requires a balance in terms of some specific issues. However, such linkages may not necessarily lead to "catch-all" prescriptions that are not practical or even tenable. There have been many efforts by several eminent Conference members and groups of members to propose work programmes with a view to commencing work in the Conference. Sri Lanka, in principle, stands by the proposal for a work programme by the Group of 21, as contained in CD/1570 and CD/1571. However, we welcome all other proposals, and my country is flexible in its position on a work programme and stands ready to start work in the Conference on the basis of any proposal that enjoys consensus. In our view, the mandate of a subsidiary body on a subject is less important than the direction and the substance of our deliberations. It is our view that discussions in a subsidiary body will determine the form of an instrument that we can agree upon on a particular subject. Such an instrument can, on the one hand, take the form of an agreement with intrusive verification mechanisms at the top end, or a normative ethic that may not have force similar to international law, such as a code of conduct or even a code of ethics, on the other. From our perspective, an instrument that is only a normative ethic at one stage could be a sound basis for developing legally binding verifiable agreements at a later stage. We recognize that some issues require a step-by-step approach. In our work, we need to be ready to accept outcomes that signify the lowest common denominator, at least on some issues, for the time being.

We, representing the international community, cannot, and shall not, wait for political circumstances to become more propitious for starting work in the Conference. We have waited far too long. Let us turn a corner now and agree on a balanced programme with realistic ambition and answer the call of our consciences. For this purpose, my delegation would urge this forum to give you, Madam Chair, a specific mandate to continue to conduct consultations during the intersessional period to build consensus on a work programme for the Conference to start working in the year 2004. We have full confidence in your ability to forge an acceptable compromise and would appreciate it if you could keep the membership of the Conference informed, as appropriate, of the outcome of your efforts.

(Mr. Kariyawasam, Sri Lanka)

The Conference on Disarmament, like many other aspects of life, will have to be dynamic and should not stand still either in its approach or in substance. Therefore, we should individually and collectively look at all possible avenues and proposals to kick-start the work in this forum. There has been sufficient background work done and material available for this purpose. What we need now is a general understanding that it is possible to serve the security concerns of every country as long as there is a will to accommodate the concerns of others. Civilized people work for the common good, primarily on the basis of trust and good will. We are confident that all the States around this table in fact inherit such qualities.

The PRESIDENT: I thank the distinguished representative of Sri Lanka, His Excellency Ambassador Prasad Kariyawasam, for his statement and for his very kind and encouraging words addressed to the Chair. Now I invite the distinguished representative of Australia, His Excellency Ambassador Michael Smith, to take the floor.

Mr. SMITH (Australia): Madam President, could I extend to you, Ambassador Inoguchi, my sincere congratulations and best wishes on your appointment as President of this Conference? I can assure you of my delegation's complete cooperation as you strive for progress in the work of the Conference, and in particular as you prepare its annual report.

Could I also take this opportunity to thank the delegation of Japan for the working paper it introduced to the Conference on 14 August this year on a treaty to ban the production of fissile material for nuclear weapons and other nuclear explosive devices (CD/1714)? This working paper is invaluable not only in furthering the understanding of the range of issues that will need to be addressed once FMCT negotiations commence, but also in promoting productive debate at plenary sessions while we wait for agreement on a programme of work.

Negotiation of an FMCT remains an important policy objective for Australia. It is a key provision supported in the outcomes of successive NPT review conferences in 1995 and 2000, and by consensus General Assembly resolutions.

An FMCT should proscribe the production of fissile material for nuclear weapons and nuclear explosive devices. Such an FMCT will make a vital contribution to nuclear non-proliferation and nuclear disarmament by capping fissile material available for nuclear-weapons use.

When implemented in conjunction with appropriate physical protection measures - many of which are already in force - it will also reduce the likelihood of illicit trafficking of fissile material in the future.

Given that the A5 proposal allows for negotiations on an FMCT to start, we urge all parties to accept this work programme.

Australia recognizes that negotiating a verification regime for the FMCT will not be easy. However, the final document adopted at the 2000 NPT Review Conference sets out a desired time frame and puts the FMCT in its rightful context.

(Mr. Smith, Australia)

Thus, Australia sees merit in considering further Japan's suggestion that, given the variety and complexity of issues under technical deliberation, a group of experts be established in advance of the commencement of negotiations, similar to the one established for technical work on the verification of the CTBT. This could be useful to prepare a common understanding for future negotiations on the issues that are technically complicated but which also require difficult political judgements. Such an exercise would serve to complement the invaluable educative and information-sharing FMCT seminar series organized by our Dutch colleagues, an informal process that Australia continues to fully support.

Given that NPT non-nuclear-weapon States already adhere to the goals of an FMCT through their NPT membership and their IAEA safeguards agreements, the FMCT is the next appropriate step for other States in the pursuit of international nuclear disarmament. An essential contribution NPT non-nuclear-weapon States can, and should, make towards encouraging nuclear disarmament is to conclude an IAEA additional protocol, thereby reinforcing their commitment not to pursue nuclear weapons. Australia takes this opportunity to urge all such States which have not already done so to sign, ratify and implement the additional protocol, which is now established as the NPT safeguards standard.

Let me conclude by once again urging all members of the Conference to agree to a programme of work now, so that this Conference can once again productively contribute to enhancing global security.

The PRESIDENT: I thank the distinguished representative of Australia, His Excellency Ambassador Michael Smith, for his statement and for the very kind words addressed to the Chair.

This concludes my list of speakers for today. Does any delegation wish to take the floor at this stage? That does not seem to be the case.

As you are aware, the Secretary-General of the Conference has received a letter from the Permanent Mission of Norway informing him that Mr. Kim Traavik, State Secretary at the Royal Ministry of Foreign Affairs, will visit Geneva on Tuesday, 2 September 2003. The State Secretary would like to have the opportunity to address the Conference on Disarmament on that occasion. Accordingly, the Chargé d'affaires of Norway, Mr. Paulsen, expressed his hope that a plenary meeting of the Conference could be organized on that day.

May I take it that it is the wish of the Conference to hold a plenary meeting on Tuesday, 2 September, so as to hear the address of the State Secretary at the Royal Ministry of Foreign Affairs of Norway?

It was so decided.

The PRESIDENT: In this connection, I would like to inform you that next week the Conference will also hold a plenary meeting on Thursday, 4 September. During that plenary the Conference will be addressed by the Minister for Foreign Affairs of Japan, Her Excellency Mrs. Yoriko Kawaguchi.

This concludes our business for today. In accordance with the decision just taken, the Conference will hold two plenary meetings next week, on Tuesday, 2 September, and on Thursday, 4 September 2003.

It is also my intention to hold an informal plenary meeting immediately after the plenary on Tuesday in order to continue consideration of the draft report of the Conference.

Before adjourning this meeting, I would like to recall that this plenary meeting will be followed, in 10 minutes' time, by an informal plenary meeting during which we will proceed to the first reading of the draft annual report to the United Nations General Assembly.

The draft report was distributed on Tuesday as document CD/WP.531. As usual, the informal meeting will be open to member States and observer States only.

The meeting rose at 10.40 a.m.