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# Conference on Disarmament

English

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## Final record of the one thousand three hundred and ninety-sixth plenary meeting

Held at the Palais des Nations, Geneva, on Thursday, 4 August 2016, at 10.05 a.m.

*President:* Mr. Piotr Stachńczyk ..... (Poland)



**The President:** I call to order the 1396th plenary meeting of the Conference on Disarmament. I thank you all for coming this morning. I know it is a very busy week for the disarmament community in Geneva, and we will be facing an extremely busy month in August.

There are two delegations on the list of speakers: the Russian Federation and Japan. I now give the floor to His Excellency Ambassador Borodavkin of the Russian Federation.

**Mr. Borodavkin** (Russian Federation) (*spoke in Russian*): Mr. President, the Russian Federation is very concerned that the Conference on Disarmament is standing idle. This is connected with the fact that, as we know, we are all failing to fulfil our main task: no comprehensive and balanced programme of work capable of restoring to our forum its original negotiating purpose has been agreed.

The Conference has very little time left before the end of the current session. However, there is enough in which to make real progress in revitalizing the Conference. Our proposal for the Polish presidency is that consultations be continued with a view to reaching a compromise on the programme of work. The Russian draft of this document, which meets the necessary criteria in that it is comprehensive and balanced, is very familiar to delegations and remains on the table of the Conference. I wish to bring to the attention of our colleagues the fact that we are introducing it officially as a document of the Conference.

I wish once again to draw the Conference's attention to the Russian initiative presented in March of this year by the Minister for Foreign Affairs of the Russian Federation, Mr. Sergey Lavrov. It concerns the development of an international convention for the suppression of acts of chemical and biological terrorism here at the Conference. I shall recall the key points.

In putting forward the Russian initiative on a convention for the suppression of acts of chemical and biological terrorism, we reasoned that countering weapons of mass destruction (WMD) terrorism did not undermine anyone's security and ought not give rise to major objections. Moreover, its unifying potential is intended to consolidate the Conference and to put an end to the protracted stalemate in its negotiating activities.

Another argument in favour of the development of the convention is the need to counter a qualitatively new phenomenon: the merging of terrorism with weapons of mass destruction. The existing mechanisms — the Chemical Weapons Convention, the Biological and Toxin Weapons Convention and United Nations Security Council resolution 1540 — have a role of their own to play in preventing weapons of mass destruction from falling into the hands of non-State actors, but they are not suited to their direct and universal suppression, in particular when it comes to the most dangerous acts of WMD terrorism.

Incidentally, work in the relevant forums in The Hague and New York has become noticeably more intense since the introduction of the Russian draft, but the proposals put forward there by a number of countries are by no means in competition with the provisions of the Russian draft convention and are not a substitute for them.

Needless to say, the Organisation for the Prohibition of Chemical Weapons (OPCW) cannot address the major aspects of the suppression of biological terrorism, which we included within the scope of the convention for the suppression of acts of chemical and biological terrorism in line with proposals made by a number of delegations here at the Conference. Moreover, despite the substantial membership of OPCW, a number of prominent participants in the Conference on Disarmament are not parties to the Chemical Weapons Convention.

When it comes to the Biological and Toxin Weapons Convention, the situation is even more complicated. The regime of this convention is much weaker than the Chemical Weapons Convention and is not based on a solid institutional framework like OPCW.

We would like to note a further fundamental point. WMD terrorism is an extremely dangerous adversary. To deal with it "alone", at the national level, is an impossible task. It calls for a collective, consolidated response from the entire international community, one that will be effective only if counter-terrorism provisions are gathered within a single instrument rather than being scattered across various formats on the pretext of their so-

called improvement. To put it figuratively, we need to strike terrorists with a fist and not with outstretched fingers.

This is why Russia is proposing the development of a separate, legally binding international legal instrument: an international convention for the suppression of acts of chemical and biological terrorism. Its combination of the chemical and the biological aspects is nothing new, and relevant precedents can be found in international legal practice. Moreover, the expansion of the scope of our draft convention to include bioterrorism did not require it to be fundamentally reworked, as it had originally consisted of provisions applicable equally to the chemical and the biological spheres.

If anyone still has any doubts, we are today presenting additions to the previously distributed document concerning the “added value” of our proposal on the development of an international convention for the suppression of acts of chemical and biological terrorism.

You will all clearly recall that we have never ruled out the possibility of disarmament negotiations in other international forums. But the Conference on Disarmament, in Geneva, is the most appropriate forum for an international convention for the suppression of acts of chemical and biological terrorism. In addition, given its disarmament dimension, such an international convention also offers the Conference, currently in a critical situation, an opportunity to regain its position as the sole multilateral disarmament negotiating forum.

In this connection, the Russian delegation is, as was promised, today presenting an updated version of the key elements of the international convention for the suppression of acts of chemical and biological terrorism, which now also includes aspects of the suppression of acts of bioterrorism. Thus, the draft document is now complete and is ready for further negotiating work at the Conference.

I wish to draw delegates’ attention to the most important innovations that appear in our draft international convention for the suppression of acts of chemical and biological terrorism:

- In the light of comments made earlier by several partners, article 2 (1) has been revised with a view to expanding the range of criminalized acts.
- The role of OPCW has been strengthened: article 21 now establishes that consultations to ensure the effective implementation of the convention may be held not only with the Secretary-General of the United Nations, but also, where appropriate, with the participation of the Director-General of OPCW. In practice, this means that States parties to the Chemical Weapons Convention will hold such consultations through the Director-General of OPCW, and the Secretary-General of the United Nations will work with non-parties to the Chemical Weapons Convention, as well as holding consultations in the event of an act of biological terrorism.
- In order for the international convention for the suppression of acts of chemical and biological terrorism to become a functioning international legal instrument as soon as possible, article 24 has been added, providing for the entry into force of the convention after the deposition of the fifteenth notification of its ratification.

However, I hope that we at the Conference will all work together to delineate the precise contours of the convention.

The time has come to move the Conference on from endless fruitless discussions to specific practical steps. The Conference will thereby be able to prove in deed its relevance as the sole multilateral disarmament negotiating forum capable of responding not only to traditional threats, but also to new ones.

**The President:** I thank the representative of the Russian Federation for his statement and for the kind words addressed to the President. I would like to add that the presidency will continue the process of informal consultations about the possible programme of work.

I now give the floor to the representative of Japan, Ambassador Sano.

**Mr. Sano** (Japan): Mr. President, at the outset my delegation would like to refer to the ballistic missile launch by the Democratic People's Republic of Korea. It is regrettable that on 3 August the Democratic People's Republic of Korea once again launched a ballistic missile without prior notification, which according to our estimation flew a distance of around 1,000 km and fell, for the first time, in our country's exclusive economic zone, just 250 km west of our main island. This is not only a serious threat to the national security of Japan but also to that of the region and the international community. This launch is in clear violation of relevant United Nations Security Council resolutions, including the recently adopted resolution 2270 (2016). Japan strongly condemns the launch and urges the Democratic People's Republic of Korea to comply with relevant Security Council resolutions and other international commitments without taking further provocative actions.

With regard to the future work of the Conference on Disarmament, our priority remains the early commencement of negotiations on a fissile material cut-off treaty. Although we have not been able to adopt a programme of work so far this year, we will not give up on the Conference and will contribute to adopting a meaningful programme of work that will lead to an early commencement of negotiations.

Our delegation is open to discussing the Conference's working methods. One idea which may be discussed is to consider extending the duration of the Conference presidency to grant more time and flexibility for meaningful work by the presidency.

Finally, Mr. President, I am pleased to announce that some 20 teenagers from Japan will visit Geneva in mid-August and observe the Conference this year again as Youth Communicators for a World without Nuclear Weapons.

**The President:** I thank the representative of Japan for his statement. I now give the floor to the representative of China, Ambassador Fu.

**Mr. Fu** Cong (China) (*spoke in Chinese*): Mr. President, I should like to begin by thanking the delegation of the Russian Federation for the new draft of the proposed convention and the accompanying explanatory note. We will relay these to our capital and study them carefully. Our delegation has already expressed its support for the Russian proposal on numerous occasions.

China is of the view that, with the ongoing proliferation of terrorist activities on a global scale, the risk of terrorist attacks using chemical and biological weapons has dramatically increased. The Russian proposal is therefore most timely and highly relevant, and deserves serious consideration by all parties.

China is also of the view that, as the sole international body for negotiating disarmament, the Conference on Disarmament is the appropriate forum for negotiating this convention. The Russian Federation proposal should become part of the programme of work of the Conference. China hopes that all parties will be able to display flexibility and work towards achieving a programme of work that is acceptable to all as rapidly as possible.

**The President:** I thank the representative of China for his statement. I now give the floor to the representative of the Republic of Korea, Ambassador Kim.

**Mr. Kim** In-chul (Republic of Korea): Mr. President, I thank the Ambassador of the Russian Federation for that presentation. We take note of the new proposal; we will study it very carefully and will express our opinion on it in due course.

The Republic of Korea strongly condemns the yet further launch of ballistic missiles by North Korea yesterday, which is a grave, provocative act, not only towards the Republic of Korea but also towards its neighbouring countries and the international community. The repeated provocations by North Korea clearly demonstrate that regime's recklessness, unpredictability and belligerence. Repeated violations of United Nations Security Council resolutions and international norms and constant provocation and threatening behaviour can only result in drawing ever stronger condemnation and increasing pressure from the international community. The Republic of Korea will intensify pressure on North Korea in full-fledged cooperation with the international community and will continue to strengthen overall deterrence against North Korea while responding strongly to any North Korean actions that threaten the lives of our people and our security.

**The President:** I thank the representative of the Republic of Korea for his statement. I now give the floor to the representative of the United States.

**Mr. Bergemann** (United States of America): Mr. President, the United States strongly condemns the launch of ballistic missiles from the Democratic People's Republic of Korea yesterday, 3 August. These and the other recent missile launches by the Democratic People's Republic of Korea violate United Nations Security Council resolutions explicitly prohibiting launches using ballistic missile technology and they threaten international peace and security. These provocations only serve to increase the international community's resolve to counter prohibited activities by the Democratic People's Republic of Korea, including through implementing existing Security Council sanctions that require the Democratic People's Republic of Korea to suspend all activities related to its ballistic missile programme.

The United States remains prepared to work with our allies and partners around the world to respond to further provocations from the Democratic People's Republic of Korea, as well as to defend ourselves and our allies from any attack or provocation. We again call on the Democratic People's Republic of Korea to refrain from actions that further raise tensions in the region and to focus instead on taking concrete steps towards fulfilling its international obligations and commitments.

**The President:** I thank the representative of the United States for his statement. I now give the floor to His Excellency Ambassador Varma of India.

**Mr. Varma** (India): Mr. President, let me begin by conveying our support and our appreciation for your efforts including during the intersessional period and your determination to continue consultations to see how the Conference on Disarmament can move forward. That we have begun the third part of the 2016 annual session without progress on a substantive work of the Conference cannot but be a matter of concern. It is surely so for the Indian delegation, as we recall that the last time the Conference was able to adopt a decision on its programme of work was in 2009. We do hope that the Conference is allowed to move forward on the basis of consensus on its programme of work, and in this context India remains supportive of the immediate commencement of negotiations on a fissile material cut-off treaty.

Mr. President, we would also recall that there have been a number of other proposals on the table which should not be lost sight of; these include proposals that were tabled by the Group of 21. Reference has also been made to see how the Conference can take advantage of the consensus report of last year adopted under the chair of the Ambassador of Finland which provides a template for how we can take forward substantive work in the Conference even if that were to be short of actual negotiations. In that spirit, we appreciate the initiative that you have taken to organize an informal meeting next week and we hope that this meeting will facilitate an exchange of views that can indeed take forward the work of the Conference.

India has consistently supported international efforts to strengthen measures against international terrorism, including addressing the urgent threat of terrorists gaining access to weapons of mass destruction. Our resolution at the First Committee — first tabled in 2002 and adopted ever since by consensus — is a testimony to the support of India for international efforts in this direction.

It is in the same spirit that India welcomed and supported the Russian proposal first made by the Foreign Minister of Russia, His Excellency Mr. Lavrov, on 1 March and subsequent additions and clarifications provided by the Russian delegation on 29 March, 17 May and today by the Ambassador of Russia. As we stated in the plenary on 17 May, India supports the Russian proposal and its extension to include bioterrorism and its further consideration in the Conference with a view to building consensus for the commencement of substantive work. We have taken note of the views that have been expressed in the Conference on how and in what manner this particular issue can and cannot be taken forward. We believe that there is still scope for further consultations to see if we can reach consensus, keeping in mind the critical importance and topicality of this issue. We will study in the inter-agency process in our capital the draft that has been made available by the

Russian delegation. India would be happy to engage in further consultations on this proposal in the Conference on Disarmament.

**The President:** I thank the Ambassador for his statement and for the kind words addressed to the President. I now give the floor to the representative of Belarus.

**Mr. Nikolaichik** (Belarus) (*spoke in Russian*): Mr. President, we would like to thank the Russian delegation for the presentation of additional materials on its initiative regarding the development of a convention for the suppression of acts of chemical and biological terrorism. The materials will be transmitted to our capital and carefully studied by the relevant authorities of the Republic of Belarus.

My delegation has repeatedly highlighted the relevance of the issues raised in the initiative and the importance of preventing weapons of mass destruction from falling into the hands of terrorist groups. We believe that the initiative must be considered on its substance and that, as my delegation has repeatedly highlighted, this can be done only within the framework of the Conference on Disarmament, so as not to fragment the efforts of the international community.

In this regard, we believe that the initiative must be taken into account, including in the formulation of the Conference's programme of work.

**The President:** I thank the representative of Belarus for his statement. I now give the floor to the representative of Iran.

**Mr. Heidari** (Islamic Republic of Iran): Mr. President, since this is the first time I take the floor under your presidency, let me congratulate you on your assumption of that office; we pledge our cooperation to your tenure in the presidency.

Mr. President, we thank — through you — the representative of the Russian Federation for proposing the new document on chemical bioterrorism. We have been reviewing the Russian Federation initiative on chemical terrorism, which I now see is chemical bioterrorism. We are grateful that the original proposal has been supplemented by adding the element of bioterrorism. We will send the new document to Tehran with much interest for careful further review. Terrorism involving weapons of mass destruction, as has been said, is a serious threat, in particular if such weapons were in the hands of non-State actors. So, we will carefully address this new document and will be waiting for its inter-agency consideration in Tehran.

**The President:** I thank the representative of Iran for his statement and for the kind words addressed to the President. I now give the floor to the representative of the Democratic People's Republic of Korea.

**Mr. Jo Chol-su** (Democratic People's Republic of Korea): Mr. President, let me start by commending the Russian delegation for the elaborations on their constructive proposal and for their continuing efforts to get the Conference on Disarmament back to work.

Countering acts of chemical and biological terrorism is becoming an important issue to be tackled by collective and concerted efforts worldwide and it merits positive consideration in the Conference. The Democratic People's Republic of Korea remains unchanged in its position to oppose all kinds of terrorism and, to this end, the new elements of the draft convention submitted by the Russian Federation will be forwarded to the capital for careful consideration.

Mr. President, I would like to respond to the remarks made by some delegations concerning the ballistic rocket test launch carried out by the Korean People's Army as part of its routine military rehearsal. The Democratic People's Republic of Korea is not interested in aggravating the situation as it is channelling all its efforts into the building of an economic power and thus feels no need to provoke anyone. Our primary task is to develop the economy and improve the standard of living of the people; for this, it requires a stable situation and peaceful climate more than ever before.

As hostile acts by the United States against the Democratic People's Republic of Korea have become routine, the Democratic People's Republic of Korea has also become routine in taking necessary steps for self-defence to cope with them. Therefore, it is preposterous that the United States and its allies are accusing the Democratic People's Republic of Korea of its legitimate countermeasures for self-defence as a so-called provocation and threat. Before slandering others, the United States has to look at the fact that it is the United States that poses a grave threat to the Democratic People's Republic of Korea with nuclear weapons after bringing to South Korea all types of strategic assets. The unceasing arms build-up and nuclear war drills of the United States are the real threats to the peace and security of the Korean Peninsula and a flagrant violation of the Charter of the United Nations and international law. With the joint military exercises, now with the Ulchi-Freedom Guardian exercise, which is scheduled to take place this month, the United States is steadily escalating tension in the Korean Peninsula. It is thus unpredictable what situation the reckless United States arms build-up and the joint military exercises will create on the Korean Peninsula and its vicinity.

Not content with reckless arms build-up, war exercises and a sanctions racket, the United States does not hesitate to hurt the dignity of the supreme leadership of the Democratic People's Republic of Korea. This escalates the already high tension in the Korean Peninsula and increases the danger of a nuclear war. The United States joint military exercises in the Korean Peninsula are not attributable to access by the Democratic People's Republic of Korea to nuclear weapons. Rather, given that the United States steadily increased nuclear threats while ceaselessly holding war exercises for aggression, the Democratic People's Republic of Korea was compelled to opt for having access to nuclear deterrents and bolster it up. The true aim sought by the United States and its allies is to shift the blame for the tension on the Korean Peninsula onto the Democratic People's Republic of Korea side, secure a pretext for its arms build-up and joint military exercises pursuant to its rebalancing strategy in Asia-Pacific for aggression, and also dodge the neighbouring countries' protest and criticism of its decision to deploy the Terminal High Altitude Area Defence anti-missile system in South Korea.

Lasting peace on the Korean Peninsula and the region can be ensured only when the military hostile acts of the United States and its hostile posture towards the Democratic People's Republic of Korea are terminated. The United States frantic, hostile policy towards the Democratic People's Republic of Korea will only prompt the Democratic People's Republic of Korea to make every possible effort to defend its sovereignty and dignity, and the United States and its allies will be held accountable for all the ensuing consequences.

**The President:** I thank the representative of the Democratic People's Republic of Korea for his statement. I now give the floor to the representative of Australia.

**Mr. McConville** (Australia): Mr. President, let me congratulate you for calling this informal meeting and we will offer our support for your ongoing efforts to try to find a way forward to seek agreement on a programme of work.

I would also like to thank the Ambassador of the Russian Federation for presenting elements of a draft international convention for the suppression of acts of chemical and biological terrorism, which we will refer back to our capital for comment.

Finally, Mr. President, I would like to also draw attention to the recent ballistic missile launch by the Democratic People's Republic of Korea on 3 August. Once again, the Government of Australia would underline its concern at this launch, which is in violation of United Nations Security Council resolution 2270 (2016) and other recent comparative resolutions. This poses a threat to the peace and security of the Asia-Pacific region and beyond and we strongly condemn the launch.

**The President:** I thank you for your statement and for the kind words addressed to the President. Would any other delegation like to take the floor? That does not seem to be the case.

This concludes our meeting for today. As mentioned last Tuesday, we will meet next Tuesday, 9 August, at 10 a.m., for an informal plenary meeting in the Council Chamber. Our next formal plenary meeting will be on Tuesday, 16 August, at 10 a.m., in the Council Chamber. This meeting is adjourned.

*The meeting rose at 10.40 a.m.*