
Conference on Disarmament

English

Final record of the one thousand five hundred and twenty-ninth plenary meeting

Held at the Palais des Nations, Geneva, on Friday, 14 February 2020, at 10.15 a.m.

President: Mr. Rachid Belbaki (Algeria)



The President (*spoke in French*): I call to order the 1529th plenary meeting of the Conference on Disarmament. Distinguished colleagues, Madam Director-General, as previously announced, I propose that, at this meeting, we should consider the package of documents distributed by the secretariat at 2.20 p.m. yesterday, Thursday, 13 February 2020. I intend to submit this package of documents for adoption on behalf of the six Presidents of the 2020 session. I thank all the delegations for their support and useful suggestions, which have enabled us to improve the package of documents distributed earlier this week, as well as the revised version from yesterday. Following the discussion that took place on Tuesday and the subsequent bilateral consultations, I have inserted some amendments, which are now reflected in the package of documents before you. In the meantime, and with the support of the regional coordinators and member States, I have also been able to introduce the coordinators of the subsidiary bodies, whom I thank for their readiness. I have also put forward the name of the Ambassador who will hold informal open-ended consultations on the improved and effective functioning of the Conference, and I thank him, too, for his readiness.

Distinguished colleagues, you have before you a package of documents, which includes a draft presidential statement on the improved and effective functioning of the Conference. The statement reads in English as follows:

(spoke in English)

The Conference decides to appoint His Excellency Mr. Félix Baumann, Ambassador of Switzerland, to hold informal open-ended consultations to determine whether there would be common ground for addressing issues relating to the improved and effective functioning of the Conference consistent with the rules of procedure, particularly in accordance with the rules 3 and 18. In discharging his duties, the Ambassador shall hold, in no more than two informal open-ended consultations, meetings with the member States during 2020 session of the Conference. The Ambassador shall report on his work in his personal capacity to the Conference no later than the final week of the second part of the 2020 session. This report shall not be agreed and has no status.

(spoke in French)

You also have before you documents CD/WP.626/Rev.1, on a draft proposal for a programme of work of the Conference for 2020, and CD/WP.627, a draft decision on the appointment of coordinators and the timetable for the subsidiary bodies.

At this stage, I would like to ask whether any member State objects to the adoption of these documents. I give the floor to the representative of the Islamic Republic of Iran.

Mr. Baghaei Hamaneh (Islamic Republic of Iran): Thank you, Mr. President. I did not, of course, ask for the floor to oppose the package. We do, however, have a couple of observations. First of all, let me express our appreciation for all the efforts you and your team have put into preparing this draft text. We acknowledge the high importance you attach to preservation of the negotiating mandate of the Conference on Disarmament. It is very important, Mr. President, to send a positive signal about the functioning of the Conference, in particular in advance of the upcoming Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. However, we do not think this should be done at the price of undermining the Conference's core mandates or its unique status as the only negotiating body. And, after all, the signal conveyed by the Conference should be real and reflective of its true dynamic.

Like many other delegations, we believe that we do not need to turn the Conference into a deliberative body like the First Committee. We already have one. And for that purpose, it is critical to make it crystal clear that the Conference will and should remain a negotiating body. That is why we appreciate the inclusion in paragraph 1 of the phrase "with a particular focus on substantial elements of legally binding instruments and additional measures and options for negotiations". And we think this sentence is key to making sure that the Conference will remain true to its core mandates. We would only suggest that this key phrase be replicated in paragraph 2 as well. I understand the same wording was already in the previous draft proposed by the President.

My other point is about the balance and comprehensiveness of the programme of work. I guess this is something that all member States agree on. We believe that these two

key words should appear in the functions of each subsidiary body, as you have described them in paragraph 2 of document CD/WP.627. The question here, Mr. President, is whether the subsidiary bodies are treated equally or not. Why are only the titles of subsidiary bodies 1, 3, and 4 reflected, when there are details on subsidiary bodies 2 and 5? It is only fair to expect that the programme of work be amended in such a manner as to ensure that all core mandates are treated on an equal footing.

Finally, we have no problem with the idea of the package and, with the two slight amendments we proposed, we would be ready to go along with the formula you have proposed for the topic of the effective functioning of the Conference as well. Thank you.

The President (*spoke in French*): I thank the Ambassador of the Islamic Republic of Iran for his statement. I give the floor to the representative of the Russian Federation.

Mr. Belousov (Russian Federation) (*spoke in Russian*): Good morning, distinguished colleagues. I do not want to oppose the package either, but I would like, in that connection, to make a few comments that our delegation considers important.

At the outset, I would like to note that the Algerian presidency and Ambassador Belbaki himself have done an enormous amount of work to prepare draft documents that could help us to take an important step towards starting the negotiating process in the Conference. These documents could also serve as a way to revitalize our substantive work in this forum, as they focus mainly on the substantive elements of possible legally binding instruments. These efforts are all in keeping with the mandate of the Conference on Disarmament.

It is also pleasing to see the close collaboration among the six Presidents of the 2020 session, who have tried to take a new and creative approach to fulfilling their responsibilities under rule 29 of the rules of procedure. We are convinced that such collaboration is capable of yielding the strong positive results on which the member States of the Conference are counting.

I would like to make some comments on the package of documents put forward. First of all, I would like to raise some procedural points. I shall then move on to the first two documents. Again, the work done by the Algerian presidency deserves the very highest praise. Thanks to this team's efforts, we have taken the right course and, over the last four weeks, have been moving in the right direction, closer towards our common goal. On a separate point, I would like to thank the Algerian team for the attention that it has paid to our comments and observations, some of which have been taken into account and are reflected in these documents.

In our opinion, we are close to reaching our goal, but there are just a few small steps left. I shall explain why. It happens to be the case that issues relating to the organization of the Conference's work are formalized in decisions as opposed to working papers or "non-papers" (informal documents). In our view, this is an important point, and we should not deviate from this practice. As strict adherence to procedure is an important condition for effective work in this forum, we consider it necessary to change the title of the document, drawing on our experience from 2018.

I note that there is something of a contradiction between the first and second documents. The first concerns the establishment of the subsidiary bodies, and the second contains a list of coordinators and a timetable for the work of these bodies. In the first case, the third paragraph of the preamble states that these documents are being adopted by the Conference "in pursuance of its agenda contained in document CD/2183". However, when we turn to the second document, and specifically to those provisions that concern subsidiary body 2, we see that an issue has been included that is not a part of the agenda that we have agreed. This is something of a contradiction, as our distinguished colleague the Ambassador of Iran has also noted. We consider these points important and think that resolving them will help us to approach the task of approving and endorsing the documents from a position of greater understanding.

The Russian delegation has a number of other important comments on these documents. Several of these comments have already been made by the distinguished Ambassador of Iran, so I will not repeat them. However, in our view, the content of the first document should be more consistent with the status and conception of the programme of work as a document specifically intended to organize negotiating work in this forum. In this

connection, we believe that further discussions could be held on the package with a view to eliminating the contradictions and questionable provisions that I have mentioned.

The President (*spoke in French*): I thank the representative of the Russian Federation for his statement and for his kind words addressed to the delegation of Algeria and to me personally. Would any other delegation like to take the floor? I see no requests for the floor.

Distinguished colleagues, Madam Director-General, I thank the speakers for their interventions. I would like to reiterate our continued belief that, in the current situation, the only way to preserve the Conference's role is to bring its work back to what it is intended to be, and to do so through structured examinations of substantive issues accompanied by negotiated agreements on recommendations and effective measures. We believe that the draft programme of work and the draft decision on its implementation contain all the components for genuine substantive work that will lead to an advanced level of negotiation. We are convinced that this package of documents, the outcome of painstaking consultations, provides a good platform for the Conference's work. As the vital interests of member States are preserved in this package, we call upon all delegations to strive to preserve the vital interest of the Conference at the outset of this cycle of work.

At this stage, I wish to ask again whether any member State objects to the adoption of this package of documents. I give the floor to the representative of the Russian Federation.

Mr. Belousov (Russian Federation) (*spoke in Russian*): Thank you, Mr. President, but I wish to raise a point of order. I think that our distinguished colleague the Ambassador of India has the right to take the floor before me if he has any comments on the package of documents put forward. So, if I may, I will take the floor after him.

The President (*spoke in French*): Thank you for that pertinent comment. I give the floor to the Ambassador of India.

Mr. Sharma (India): I would like to thank you, Mr. President, for your efforts, as well as those of the six member States that will occupy the presidency this session, in preparing this draft decision, based on extensive consultations with member States. My delegation also expresses its gratitude to our distinguished colleagues who have expressed willingness to serve as coordinators and help our work.

I would like to put India's position on record now. India believes that it would be appropriate if these negotiations, as suggested in your draft package, were conducted with the objective of concluding legally binding instruments. Otherwise, these would remain more of a discussion mandate than a negotiating mandate and will take us farther in the direction of transforming the Conference on Disarmament into a deliberative forum and not a negotiating forum, as envisaged by the first special session of the General Assembly devoted to disarmament. India supports a comprehensive and balanced programme of work, and without prejudice to the priority we attach to nuclear disarmament, we support the negotiation of a fissile material cut-off treaty in the Conference based on document CD/1299 and the mandate contained therein. Unfortunately, this does not find a mention in the draft decision, despite suggestions from India and a number of other member States.

The draft does not address India's concerns. It has adopted a selective approach: while it has replicated document CD/2126 in terms of the timetable, it has not followed the same approach vis-à-vis document CD/2119. The endeavour in this case has been to dilute it as much as possible instead of going in the other direction – that is, strengthening it. We have taken note of the second preambular paragraph in document CD/WP.626/Rev.1 to the effect that the draft decision does not prejudice any past, present or further position, proposal or priority of any delegation.

Mr. President, India has always supported various efforts by the Conference over the years to undertake substantive work based on its core mandate. In this spirit, we went along with the decision in 2018 and supported all constructive efforts undertaken last year by the presidencies. It is in this spirit of constructive cooperation that India will once again go along with your proposal and join the consensus. We hope to see the same flexibility from other delegations when it comes to consideration of a negotiating mandate for legally binding instruments.

The President (*spoke in French*): I thank the Ambassador of India for his statement and for his kind words addressed to our presidency. I give the floor to the representative of the Russian Federation.

Mr. Belousov (Russian Federation) (*spoke in Russian*): Mr. President, our delegation has a request: if it is possible, could we hear all the speakers who wish to comment on the package of documents put forward and then take a short break? My delegation will need to consult with our capital regarding our next steps at this meeting. If this is possible, I ask that our request be granted and that the distinguished delegates show their understanding in this regard.

The President (*spoke in French*): The presidency has no objection to the proposal of the representative of the Russian Federation. Would any other delegation like to take the floor? If there are no further speakers, I shall suspend the plenary and resume it this afternoon at 3 p.m. I thus temporarily suspend the plenary in order to hold consultations with the delegations that so wish on the points that gave rise to comments requiring clarification.

The meeting was suspended at 10.40 a.m. and resumed at 11.10 a.m.

The President (*spoke in French*): I would like at this stage to ask again whether any member State objects to the adoption of this package of documents. I give the floor to the Ambassador of the Islamic Republic of Iran.

Mr. Baghaei Hamaneh (Islamic Republic of Iran): Thank you, Mr. President. That is a tricky question. We really value all your efforts, and I assume that the function and responsibility of the President is to work to get a “yes” from delegations. We believe that you have done a great job in that respect, so I would like again to repeat what I said earlier. The point is that we have come a very long way, agreeing with the concept of a package consisting of a mixture of substantial items with some procedural issues that, in our view and that of many other delegations, were not a matter of great concern; however, in the spirit of compromise and flexibility, we agreed to consider that procedure, which is now reconceptualized under improved and effective functioning, to be part of that package. And that inclusion was based on our understanding that the core items on the agenda of the Conference on Disarmament, which are really the *raison d’être* of the establishment of this body, are appropriately addressed in paragraph 2. This draft, however, does not include that phrase, which appeared in the original draft. That, then, is why we think the package, which was supposed to be more or less balanced, is now imbalanced.

We think, Mr. President, that we are almost there, and we appreciate the great job you have done to try to resolve a number of thorny issues which have been impeding the Conference on Disarmament from reaching consensus on a programme of work. We encourage you, Mr. President, to continue your engagement with delegations in order to address those concerns. And in case, Mr. President, you insist on having this programme of work endorsed in this session, we think one logical way would be to divorce the programme of work from that specific procedural issue which we think is imposed on the Conference for no good reason. Since, as I have said, the package we were working on is already not a sound one, we suggest that if the Conference wants to have a programme of work, which we are very much in favour of, we can adopt the programme of work – the text as it appears now – without the addition about improved and effective functioning.

The President (*spoke in French*): I thank the Ambassador of the Islamic Republic of Iran for his statement and for his kind words addressed to the presidency. I give the floor to the representative of the Russian Federation.

Mr. Belousov (Russian Federation) (*spoke in Russian*): I would like to begin by thanking you, Mr. President, for understanding our delegation’s position and for granting its request to suspend our work at this meeting.

The Russian Federation still has a number of doubts and concerns regarding the package of documents put forward. Like several other delegations, we also have doubts as to whether we should be sending a positive message to the international community that is based on a distortion of the Conference’s mandate. Of course, we must show the international community that 65 States are able to reach a consensus and continue their work, including their efforts to find ways to start negotiations on the agenda items.

We share the concerns of several States that have pointed to an imbalance in the document setting out the timetable for the meetings of the subsidiary bodies, which singles out only one of the priorities, one that is not even an agenda item. We have further comments on which I will not dwell in detail. We have already submitted them in writing during consultations with the presidency.

This is all to say that the best solution for today's meeting would be to continue our work on the package of documents on the basis of the groundwork laid by the Algerian presidency. I stress once again that the delegation of Algeria has done a tremendous amount of good work and laid a solid foundation for such work.

We still consider it necessary to harmonize the title and the content of the first document. I repeat once again that, in our opinion, the content of this document is not consistent with our common understanding of the programme of work. Ultimately, in our view, the Conference's programme of work is a document that should serve to organize the negotiation process.

Nevertheless, as the overwhelming majority of the members of the Conference are keen to continue substantive work in this forum on all agenda items, we could demonstrate a flexibility that is in this case unprecedented and not break the consensus, should one emerge. However, once again, we reserve the right to raise any issues that cause us doubt or concern, in the course of both further discussions and the work of the subsidiary bodies.

In addition, we consider that the adoption of this package in no way releases the six Presidents of this session from their responsibility to continue seeking to reach a consensus and agree a comprehensive and balanced programme of work that contains negotiating mandates for the agenda items.

The President (*spoke in French*): I thank the representative of the Russian Federation for his statement and for his kind words addressed to the presidency. I give the floor to the Ambassador of the Syrian Arab Republic.

Mr. Aala (Syrian Arab Republic) (*spoke in Arabic*): Thank you, Mr. President. Let me begin by extending my thanks and appreciation to you and your team for the huge efforts you have made to reach this stage of the discussions and seek a consensus to break the impasse faced by the Conference. We are, of course, aware of the great difficulties you have faced and the efforts that you have made in this respect. However, as we move towards adopting the documents before us, this chamber must be fully prepared to do so. In other words, the outstanding concerns of some States parties need to be addressed. My delegation shares these concerns regarding the negotiating mandate and the role of the Conference and the issue of balance and inclusiveness in dealing with items on the agenda in a fair and equal manner.

We believe that, in the interests of fairness, more time should be given to dealing with these concerns that have been raised by some delegations before proceeding with the adoption of the documents before us.

The President (*spoke in Arabic*): I thank the Ambassador of the Syrian Arab Republic for his remarks and for the kind words he addressed to the Algerian delegation and to myself.

(*spoke in French*)

Would any other delegation like to take the floor at this stage? It seems not. Distinguished colleagues, objections have been raised to elements of the proposed package of documents. I would now like to invite interested delegations to informal consultations, which will be held in Room II, not far from this room. I therefore suspend the meeting.

The meeting was suspended at 11.25 a.m. and resumed at noon.

The President (*spoke in French*): Distinguished colleagues, I have held consultations with the countries that made observations at our meeting this morning. I thank you, as well as them, for all the comments made. I note that these observations must be taken into account in order to hold further consultations today. I therefore suspend the plenary and shall resume it this afternoon at 3 p.m., in this room. The meeting is adjourned.

The meeting rose at noon.