

CONFERENCE ON DISARMAMENT

CD/PV.1106
3 June 2008

ENGLISH

FINAL RECORD OF THE ONE THOUSAND ONE HUNDRED AND SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 June 2008, at 10.10 a.m.

President: Mr. John DUNCAN (United Kingdom)

The PRESIDENT: I declare open the 1106th plenary meeting of the Conference on Disarmament. Welcome to everybody. On the list of speakers for today's meeting I have the following delegates wishing to take the floor: the Syrian Arab Republic, the Republic of Ireland and the Republic of Korea.

I now give the floor to the distinguished Ambassador of the Syrian Arab Republic.

Mr. HAMOUI (Syrian Arab Republic): Mr. President, I would like to congratulate you on assuming the presidency of the Conference on Disarmament. We hope that, with your great experience, we will make real progress. My delegation stands ready to fully cooperate with you.

I would like also to thank the distinguished Ambassador of Ukraine and his delegation for their excellent work and wisdom during the Ukrainian presidency of the Conference.

We all noticed the number of important developments in the CD during the first part of this year 2008. Among these developments: the high-level statements at the CD, the draft treaty on the prevention of the placement of weapons in outer space, tabled by the Foreign Minister of the Russian Federation along with China. We also have witnessed interactive discussions under the guidance of the seven coordinators on all the agenda items. A great effort has been made by the six Presidents for 2008, including through the submission of document CD/1840 on 13 March 2008, and the clear attention paid by the Secretary-General of the Conference should also be highlighted.

My delegation would like to make preliminary comments on document CD/1840.

First, I would like to congratulate the six Presidents for 2008 for their excellent work in the preparation of the document and to encourage them to continue their consistent efforts to bring all CD members on board in order to find a satisfactory end to the stalemate in our Conference.

My delegation believes that the preamble of the document is a good one and contains the following positive points:

It keeps the door open for other proposals; it does not preclude the outcome of discussions on any item; it affirms that the work will be carried out under the rules of procedure of the Conference; it also affirms that the work will be without prejudice to future work and negotiations on its agenda items; it affirms implicitly, in its operative paragraph, the importance of the four core issues and the linkage between them.

On the other hand, there are still some points which should be improved in order to reach a satisfactory, balanced and acceptable agreement. These are the following:

The imbalance in the mandates; the document insists on having negotiations on FMCT and discussions on items 1, 3 and 4. While talking about FMCT, the document does not mention important issues, such as stocks and verification. With regard to discussions on items 1, 3 and 4, the document does not stipulate anything about the aim or the outcome of the said discussions.

(Mr. Hamoui, Syrian Arab Republic)

We appeal to all member States to show an acceptable level of flexibility and political will. We believe that we have to continue to build on this progress in order to arrive at a satisfactory programme of work.

My delegation stands ready, as always, to participate in the discussions on the document and will do its best to reach an agreement on it.

The PRESIDENT: I thank the distinguished Ambassador of the Syrian Arab Republic for his statement and for the kind words addressed to the Chair. I now give the floor to the distinguished representative of the Republic of Ireland.

Mr. O'SHEA (Ireland): At the outset, Mr. President, since this is the first time that I take the floor under your presidency, allow me to congratulate you on your assumption of the office of President of the Conference on Disarmament and to assure you of my delegation's full support.

It is an honour for me to provide you and the Conference with information regarding the Dublin Diplomatic Conference on Cluster Munitions, which took place from 19 to 30 May 2008. This Conference was the culmination of a series of meetings which began in Oslo in February 2007 and continued in Lima in May, in Vienna in December 2007 and in Wellington in February of this year. The objective of these meetings, and of the Dublin Conference, as set out in the Oslo Declaration of 23 February 2007, was "to prohibit cluster munitions that cause unacceptable harm to civilians".

The Dublin Diplomatic Conference was attended by some 132 States, with 111 attending as participants and 21 as observers. A large number of international, intergovernmental and non-governmental organizations also attended as observers.

The Conference was opened by the Minister for Foreign Affairs of Ireland, and also heard at its opening session, among others, a video message from United Nations Secretary-General Ban Ki-moon and an address in person from the President of the International Committee of the Red Cross, Dr. Jakob Kellenberger.

Ambassador Dáithí O'Ceallaigh, Permanent Representative of Ireland to the United Nations and other International Organizations in Geneva, was elected by acclamation as President of the Dublin Diplomatic Conference. Representatives of the following eight countries were elected, also by acclamation, as Vice-Presidents: Chile, France, Hungary, Lebanon, Mauritania, Mexico, Norway and Zambia.

The work of the Conference took place in meetings of the committee of the whole and in bilateral and other informal consultations, including informal meetings convened by Friends of the President. I would like to acknowledge the importance of the contribution made by the Friends of the President to the success of the Conference, and to express our gratitude to the representatives of Australia, Austria, New Zealand, Norway, South Africa and Switzerland, who served in that capacity.

(Mr. O'Shea, Ireland)

Following two weeks of intense work in Dublin, and building on the preparatory discussions held at the earlier meetings, the Diplomatic Conference adopted, by consensus, on Friday, 30 May, the text of a Convention on Cluster Munitions.

The main provisions of this Convention are as follows:

There is a comprehensive prohibition on the use, development, production, acquisition, stockpiling, retention and transfer of cluster munitions, as well as on assisting, encouraging or inducing anyone to engage in behaviour prohibited to a State party under the Convention.

Cluster munitions are defined for the purposes of the Convention in article 2. Weapons systems with certain characteristics, aimed at avoiding indiscriminate area effects and the risks posed by unexploded submunitions, are excluded from the definition and thus from the operative provisions applying to cluster munitions. Explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft are subject to the same prohibitions as cluster munitions.

The Convention provides that a State party's stockpiles of cluster munitions must be destroyed within eight years of the Convention's entry into force for that State party. This period may, under certain circumstances, be extended for up to four years on one or more occasions.

In view of the fact that some States may not have facilities suitable for destroying stockpiled cluster munitions, the transfer of cluster munitions to another State party for the purpose of destruction is permitted. Further, bearing in mind the importance of the development of and training in cluster munition and explosive submunition detection, clearance and destruction techniques, and for the development of cluster munition counter-measures, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for these purposes, as well as their transfer to another State party for such purposes, is permitted. The number of submunitions retained or acquired shall not exceed the minimum absolutely necessary for these purposes, and there is an obligation to report on the numbers retained or acquired, and the use made of them, as well as on transfers, whether for destruction or for the other purposes mentioned.

With regard to the clearance of cluster munition remnants, cluster munition remnants in areas under the jurisdiction or control of a State party are to be cleared and destroyed within 10 years of the Convention's entry into force for that State party, or within 10 years of the end of active hostilities in cases where such remnants arise after such entry into force. Provision is made for the extension of this deadline where circumstances warrant it. In addition, the relevant State party is obliged to take steps with regard to marking, fencing, risk education, etc. Any State party which has used cluster munitions prior to the Convention's entry into force for that State party, giving rise to cluster munition remnants located in areas under the jurisdiction or control of another State party on the Convention's entry into force for the latter, is strongly encouraged to provide assistance to facilitate the marking, clearance and destruction of such cluster munition remnants. Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

(Mr. O'Shea, Ireland)

The Convention includes comprehensive provisions on assistance by States parties to cluster munition victims in areas under their jurisdiction or control. The steps to be taken are set out in detail in article 5 of the Convention.

The Convention includes detailed provisions regarding international cooperation and assistance to States parties with respect to the fulfilment of their obligations under the Convention. The possibility of assistance will be most relevant in relation to the obligations regarding stockpile destruction, clearance and destruction of cluster munition remnants, and victim assistance.

The Convention lays down detailed obligations regarding annual reporting by States parties on the implementation of their obligations under the Convention.

Taking account of the fact that, at least initially, not all States will be party to the Convention and that some States not party to it may wish to continue to use cluster munitions, provision is made in article 21 of the Convention for States parties to engage in military cooperation and operations with States not party to the Convention that might engage in activities prohibited to a State party. This provision specifically does not authorize a State party to develop, produce, or otherwise acquire cluster munitions, to itself stockpile or transfer cluster munitions, to itself use cluster munitions, or to expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control. Each State party is obliged to encourage States not party to the Convention to become party to it, and, where it engages in military cooperation or operations as referred to above, to notify the States concerned of its obligations under the Convention, promote the norms established by the Convention and make its best efforts to discourage States not party to the Convention from using cluster munitions.

It is a matter of particular satisfaction to my Government that the Dublin Diplomatic Conference was able to reach an outcome by consensus.

I am also glad to be able to inform the Conference of the message which the Secretary-General of the United Nations addressed to the Conference on the occasion of the adoption of the Convention. The message of the Secretary-General was as follows:

“I am delighted that the strong calls to address the humanitarian impact of cluster munitions have been answered with the adoption today of this new Convention. I welcome this successful outcome of the Dublin Diplomatic Conference, and congratulate everyone who contributed to the process.

A broad-based coalition of States, international organizations and civil society has brought about a new international standard that will enhance the protection of civilians, strengthen human rights and improve prospects for development.

(Mr. O'Shea, Ireland)

As Secretary-General of the United Nations, I am honoured to accept depositary functions under the Convention. In addition, the entire United Nations system stands ready to support and assist States parties in implementing their treaty obligations. I therefore encourage States to sign and ratify this important agreement without delay, and I look forward to its rapid entry into force.”

The President of the International Committee of the Red Cross, Jakob Kellenberger, addressing the Conference at the opening ceremony, quoted the St. Petersburg Declaration of 1868, saying that, in renouncing the use of bullets that explode in the human body, the Declaration constituted the first prohibition of a weapon in modern international humanitarian law. He said that the International Military Commission that adopted the Declaration, in its own words, “fixed the technical limits at which the necessities of war ought to yield to the requirements of humanity”, and he noted that the challenge and responsibility before the Dublin Diplomatic Conference was to set those limits for cluster munitions in 2008.

The statement delivered on behalf of the International Committee of the Red Cross at the conclusion of the Conference concluded that the Conference had met the challenge referred to by President Kellenberger, and had “done so decisively on behalf of humanity”. The statement of the International Committee of the Red Cross went on:

“You have confirmed that cluster munitions which have caused so much loss in past decades are not only morally repugnant but are now considered illegal under international humanitarian law. We have a very strong treaty which recognizes all those who have needlessly died or had their lives shattered by the weapons you have now banned. The implementation of this treaty will undoubtedly allow many children in future conflict zones the chance to grow up to be adults. It will also afford their parents the chance to feed those children from the harvests of lands not contaminated with cluster munitions.

In adopting this Convention you have put in place the last essential element in an international legal regime to address the effects of weapons that cannot stop killing. With the Anti-Personnel Mine Ban Convention, the Protocol on Explosive Remnants of War and the new Cluster Munitions Convention we now have the tools to prevent or remedy the often tragic consequences for civilians of all explosive munitions used in armed conflicts. We have also established a broader norm that those who engage in armed conflict can no longer just walk away from the long-term consequences of the munitions they use and leave the burden to local communities, often in the poorest countries on earth, to deal with.”

As noted in his message to which I referred, the Secretary-General of the United Nations has agreed to act as depositary of the Convention. Following the preparation of authentic texts in the six official languages of the United Nations, the Convention will be opened for signature in Oslo on 3 December this year, and will enter into force six months after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

(Mr. O'Shea, Ireland)

It is our hope that the Convention adopted at Dublin on 30 May will attract wide adherence and will have a significant impact, both in terms of addressing the risks to civilians posed by existing cluster munition remnants and of preventing future use. At the same time, we remain fully committed to pursuing efforts in the framework of the Convention on Certain Conventional Weapons, including during next month's meeting of the Group of Governmental Experts.

The text of the Convention as adopted, in English, French and Spanish, may be consulted on the website of the Dublin Diplomatic Conference, which is www.clustermunitionsdublin.ie. It can be found there as document number CCM/77, dated 30 May 2008.

The PRESIDENT: I thank the distinguished representative of the Republic of Ireland for his statement and for the kind words addressed to the Chair. I now give the floor to the distinguished representative of the Republic of Korea.

Mr. CHANG (Republic of Korea): Mr. President, at the outset, let me congratulate you on your assumption of the fourth presidency of the 2008 Conference on Disarmament. You have my delegation's full support in your endeavour to guide our work. I would also like to express my sincere gratitude to Ambassador Yevhen Bersheda of Ukraine and the other members of the P-6 for their tireless efforts to get the CD back to work by adopting the programme of work. I hope the dedicated efforts of the P-6 will bear meaningful fruit in the end with the cooperation of the member States.

The new document entitled "Draft decision by the Presidents of the 2008 session of the Conference on Disarmament", contained in CD/1840, which was distributed on 13 March, contains well-crafted elements, from which we can move forward to fulfil the mandate of the CD as the sole multilateral disarmament negotiation forum. Thanks to the efforts of the P-6, we have been given a solid basis to begin negotiations on a fissile material cut-off treaty and to commence substantive discussions on the other three core agenda items. Although a few problems have been pointed out by some delegations with regard to the process and the format of the document, as well as its contents, I do not believe that they cannot be overcome. What counts most is our genuine will to cope with the challenges before us.

My delegation believes that document CD/1840 rightly addresses the concerns of a few delegations which have maintained reservations on the L.1 proposal. It has improved L.1 by incorporating into it the other two documents, CRP.5 and CRP.6. In this way, CRP.5 and CRP.6 have attained the same status as L.1. Moreover, by amending important phrases in CRP.5, it leaves wide open the possibility of future negotiations on the other three core issues.

Although some delegations may still be unsatisfied about some issues related to the FMCT, I still believe we can discuss those issues in a serious manner once we embark on the negotiation. The fact that there is no precondition in CD/1840 means that the scope for negotiation and discussion is broad enough to leave the door open for delegations to pursue their priorities and raise any issues deemed important to them during the process.

(Mr. Chang, Republic of Korea)

During the first session of the Conference this year, we heard lots of calls from outside this chamber, including from the Secretary-General of the United Nations, Ban Ki-moon, and other distinguished figures from member States. I would like to call once again on the distinguished colleagues present here today to reflect deeply on this historic opportunity for revitalizing this Conference and multilateral disarmament machinery. It is time to leave the rhetoric behind and commit ourselves to take real action.

The PRESIDENT: I thank the distinguished Ambassador of the Republic of Korea for his statement and for the kind words addressed to the Chair.

I have no more speakers on my list. Does any delegation wish to take the floor? I recognize the distinguished Ambassador of the Netherlands.

Mr. LANDMAN (Netherlands): Mr. President, when I took the floor in this hall for the first time in August 2006, I asked for more light, actually quoting Goethe when he was about to enter the hereafter. Amazingly, indeed something new happened. New approaches were found allowing us, so it appeared, to make progress, a new élan in which every member State seemed to engage. And at the end of this whole process, in which remarkable diplomatic perseverance and ingenuity were invested and spent, we came very close to an agreement on a programme of work dealing more or less simultaneously with four core issues, clearly felt to be at the heart of the disarmament agenda in our global village, which is the tightly interconnected world of today.

However, what do we see now? The momentum is slipping away at an incredible pace, and we are in obvious danger of remaining empty-handed, as if nothing had happened in the last two and a half years. Worst of all, for the outside world and now so again, or even more so, for our own capitals, we have not been able to do anything productive since the first signature was put on the Comprehensive Test-Ban Treaty in 1996 - 12 years of ineffectiveness. Or to say it even more brutally, 12 years of quarrelling about a programme of work which, in essence, is not more than a focused agenda.

Mr. President, what are we talking about today in your second week as President?

We have exactly 11 more weeks at our disposal, some of them overlapping with other important disarmament meetings, some of them in full holiday season. So what does it mean if we agree tomorrow to this programme of work which we all know by heart by now? It means nothing more, but also nothing less, than that we are allowing ourselves, at last, some thorough reflection about how, for heaven's sake, we are going to do this in practice, these negotiations and these three substantial discussions in the 10 weeks that are left. And by that alone we at least take away the stigma meriting by now the Guinness Book of Records, of being the sole global body for disarmament but still not having been able to produce anything meaningful for 12 years, not even a focused agenda, by allowing ourselves instead, at long last, some operational reflection on such existential matters as disarmament, arms control and non-proliferation.

(Mr. Landman, Netherlands)

Diplomats are there to solve problems, among themselves and for their governments. We are their chief advisers, on the spot. If we are not able to agree to what I have just submitted, we are really a poor lot. I myself feel the shame and increasingly regret ever being offered this job and, even worse, having accepted. If this small decision of us all - that is now imperatively required - cannot be taken in the forthcoming days, it will not be taken at all. I, for one, Sir, without this minimum performance, this small token to the outside world that we do still exist, I will not raise my voice again in this body, indeed the sole multilateral disarmament body, as has been said so often in the past years that it has almost become a religious mantra of faith; you will not hear from me any more during the remainder of this year's session in this august hall. It would be of no use at all.

The PRESIDENT: I thank the distinguished Ambassador of the Netherlands for his statement. Are there any others wishing to ask for the floor? It seems not.

Perhaps I might be permitted a short comment in response to what our Dutch colleague has just said. I think this morning has been an illustration of very much the problem we, as an institution, face and the presidencies, as your servants, are grappling with. We have heard calls for further change to some of the basic proposals put forward. We have heard calls for movement and references to historic opportunities and undue delay. We have also heard a report on action which has led to a new international norm in under 18 months, which flows directly from dissatisfaction at the existing international architecture for arms control and disarmament's ability to grapple with these issues.

I think that is very illustrative of the challenge we and the United Nations arms control and disarmament architecture face at the beginning of the twenty-first century. I think that has been a helpful illustration which should focus all our minds. We, as your presidency, will continue, as we explained last week, the bilateral consultations to see what can be achieved in the coming weeks that lie ahead of us. We take due note of the comments of our Dutch friend.

So, if there are no further colleagues who wish to take the floor - and that does not seem to be the case for today - the next formal plenary meeting of the Conference will be held on Tuesday, 10 June at 10 o'clock in this chamber.

The session is adjourned.

The meeting rose at 10.40 a.m.