President: Mr. Adamia ............................................. (Georgia)

The meeting was called to order at 3.20 p.m.

The Chairman: We are trying to move forward. We have some good news and some bad news, as always. Let us start with the bad news. I will give the floor to Mr. Alasaniya.

Mr. Alasaniya (Secretary of the Disarmament Commission): As always, I am the designated bad-news bearer.

The Secretariat was requested yesterday to entertain the possibility of alternative dates for the remaining two weeks of the Disarmament Commission session, in case we decide to finish our work this week, meaning tomorrow, and if the Commission decides to pick up those remaining two weeks at a later date, after it has had the chance to go into intensive consultations in the interim.

As I mentioned to delegations during the informal consultations, it would be extremely difficult to get any alternative dates, especially at least two or three sets of dates. Unfortunately, that remains the case today. The efforts of conference services have not produced anything as yet. We do not have any time slots — extending some two weeks in a row — available to us in May, June or July. What we are being offered is one week and, after a certain period of time, an additional week, which, Commission members have indicated, is clearly unacceptable.

I should inform delegations that, at this stage, unless some scheduled activities are cancelled at the United Nations, there is nothing available from the point of view of teams of interpreters and rooms during the period extending from the second part of May, June or July. That is the situation. As I said, we will continue to work on it, but I do not think that at this stage we have grounds for optimism.

The Chairman: I think delegations noticed that I mentioned this as the bad news. That means that I have the hope that we can be in a situation where we might be able to achieve consensus. In that regard, we have some good news as well.

We have awaited the proposal from the United States. I hope all delegations already have that new proposal. At this time, we now have a number of proposals, including those of the European Union, the United States — both old and new — an old proposal of the Non-Aligned Movement (NAM), covering last year’s issues, and an alternative NAM proposal. I mistakenly mentioned that delegations are taking steps towards each other’s proposals in order to be able to achieve consensus on one, two or three items.

With these preliminary remarks, I will open the floor to delegations. I understand that most delegations cannot say something concrete now on the new proposal, as they need to have instructions from their capitals. But, anyway, we have the conference room now and I think we can now discuss the situation. After delegations express their views, we can come up with our vision of how to proceed further.
Mr. Ahipeaud Guebo (Côte d’Ivoire): It is my pleasure to congratulate you, Mr. Chairman, on your assumption of the chairmanship of the Disarmament Commission.

I just want to make a general statement. I hope you will allow me to do so. (spoke in French)

This has been going on for 10 years, but the vivid memory will always mark human conscience. These were not biological or chemical weapons. These were not nuclear weapons. These were supposedly small arms. These were machine guns, assault rifles and offensive grenades. These were also, and especially, machetes. These were, plain and simply, weapons.

No weapon is a light weapon. Any object or tool created by human intelligence can be a weapon of mass destruction if it is used to that purpose. No weapon is a light weapon. The loss of a human life is a very high price for humanity to pay. If we agree that God created humankind in his own image, it is simply blasphemy to take the life he gave. My delegation does not wish to get into the macabre business of citing figures. Let us say merely that a great number of people — men, women and children, including newborns — have been massacred. Their ethnic origin and the colour of their skin are of no importance. They belonged to the human race.

On this International Day of Reflection on the 1994 Genocide in Rwanda, my delegation, with your permission, Sir, should like to ask all delegations present in this room to observe a moment of silence in tribute to those who were killed and mutilated and, in general, to the human condition.

The members of the Disarmament Commission observed a moment of silence.

Mr. Ahipeaud Guebo (Côte d’Ivoire) (spoke in French): At a time when its presence on the ground was crucial, the international community packed its bags at the first opportunity, thereby permitting the doleful genocide. For eight years, the Disarmament Commission, torn between national interests, has been mired in a veritable logomachy that has prevented it from agreeing on a substantive agenda that would allow it to begin its noble work of eliminating the nuclear danger from the planet.

In agreeing this year on an agenda worthy of the name and in beginning in-depth discussions on nuclear disarmament, the Disarmament Commission would, in its own way, be honouring the memory of the victims of Rwanda, Buchenwald, Hiroshima, Nagasaki and elsewhere, not to mention all those being killed every minute by weapons. The Commission must not disarm its own determination to build a world of real peace based on trust among peoples and civilizations, a world free of the nuclear threat. In order to prevent despair from fuelling and justifying the proliferation of nuclear weapons, the Commission must put an end to the monotony that has characterized its meetings over the past eight years.

Mr. Liebowitz (United States of America): I think most, if not all of the delegations have received copies of our latest suggestions. I have a few comments that I would like to make in introducing them and I hope they will meet with general, if not approval, then at least positive reaction.

The new nuclear item that we suggest is focused and addresses modern threats to existing nuclear disarmament and non-proliferation objectives. Our new conventional topic tries to be clear and limited in focus, thereby maximizing opportunities for a successful outcome of our deliberations. Finally, our third proposal, which also should be considered for three years, attempts to initiate a broad discussion of the United Nations disarmament machinery. This will be a useful and healthy exercise that is long overdue, as our continuing difficulties in arriving at a consensus on an agenda demonstrate.

We urge delegations to give careful consideration to our latest proposals, as time for substantive discussions here is fleeting. I hope that we will have a chance to discuss these. I hope that delegations will view them in a positive light and I am prepared to discuss and consult as long as possible.

Mr. Percaya (Indonesia): On behalf of the Non-Aligned Movement (NAM), I would like first of all to commend your tireless efforts, Sir, to find agreed agenda items for the Disarmament Commission’s session. In this regard, I would like to reiterate the NAM proposal before the Commission, which consists of two agenda items and was distributed earlier.

I would also like to thank the representative of the United States for introducing new proposals for agenda items to us. However, since the majority of
NAM member States have just received the proposals today, we still need time to study them and to wait for instructions from our respective capitals. Nevertheless, I can share with members some of our preliminary comments on the proposals.

With regard to the first proposal on agenda item (a), it is our view that it is far from the objective of our proposal and does not serve the NAM principled position on nuclear disarmament. With regard to the proposed agenda item (b), it is still not clear to us, especially with reference to the use of the word “measures”. With regard to the third proposal, we are open-minded; however, would it be better or more appropriate for us to discuss the United Nations disarmament machinery within the context of the fourth special session on disarmament?

Mr. Sergeev (Russian Federation) (spoke in Russian): Our delegation has a flexible position with regard to agreeing the substantive issues for the agenda. Clearly, we, like other colleagues, have our own opinions on the priorities for multilateral disarmament. We have expressed those opinions on several occasions, including on such problems as the need to strengthen the existing system of international agreements in the area of disarmament and arms control, the non-proliferation of weapons of mass destruction, the prevention of an arms race in outer space and a number of other issues. I do not intend to go into detail on all of our approaches. We hope that we will have an opportunity to do so during the general discussion.

With respect to the specific situation right now, we believe that the General Assembly’s decisions on the organization of the work of the Commission create a sufficiently broad area in which to try to achieve consensus on the agenda. Those decisions make it possible to discuss three issues, not two, as was the case in the past. We therefore believe that, as a compromise, we could perhaps consider the option of discussing a third agenda item, along with the two traditional agenda items. That item could be a discussion of the problem of dealing with the proliferation of weapons of mass destruction, emphasizing the strengthening of international mechanisms in that area.

In that context, we support the proposal to discuss non-proliferation control mechanisms and the problem of the illicit trafficking of weapons of mass destruction. I wish to reiterate that our position is quite flexible, and, while expressing our preference, we can also look at the entire range of issues and the opinions of the international community. We hope that all other delegations will also be willing to show constructive flexibility so that we can find the best position and begin the session’s substantive work.

In our opinion, there is reason for cautious optimism because, in the ideas expressed, there has been some movement in the right direction. We have seen this from the Non-Aligned Movement. We have seen that the latest United States proposal is also a step forward in the attempt to reach consensus. I hope that we will continue that effort, and that it leads us to success.

The Chairman: I assure delegations that I will do my best to find consensus.

Mrs. Martinic (Argentina) (spoke in Spanish): On this occasion, my delegation wishes to join in the request made by the representative of Côte d’Ivoire to observe a minute of silence in memory of those who perished in the Rwanda genocide. Since we have begun in the formal session to discuss the substantive issues to be agreed on, you, Sir, will judge what the best time would be. But perhaps, before we conclude this formal meeting, we could observe the requested minute of silence.

The Chairman: Certainly, I assure you that we will do that.

Ms. Murnaghan (Ireland): I too agree with previous speakers, and you, Sir, have acknowledged that we might, as you have just said, observe a moment of silence later in our formal meeting.

First, I wanted to thank the United States delegation for their additional proposals. Now that we have a range of proposals on the table, I had planned to suggest that we should now consider that we have on the table everything we need to start serious, in-depth discussions and negotiations, if necessary, to try to come to a consensus conclusion.

We would have liked to recommend that we start already this afternoon so as not to lose any more time, but we do appreciate that perhaps not all delegations have had a chance to look at the text for very long or had an opportunity to get instructions from their capitals. We appreciate that it may not be possible this afternoon. But I think we have a range of proposals on
the table, and we now need to get to that point where we negotiate seriously and discuss the substance of the proposals, which we really have not managed to do up to now. We will certainly be ready to engage in that discussion. I think it is important, and I think there is agreement on that around the table here.

Given that we are almost towards the end of what is a short first week of the Commission, it is sometimes useful to remind ourselves that we are looking here to get agreement on substantive items so that we can actually have a session this year. We all support the maintenance — and I think I might also add, the revitalization — of the United Nations Disarmament Commission. That is important to all of us. I think we then need to really focus and come to a conclusion.

I was quoted last week as having referred to the need for hard decisions. I think we are at the point where we really must get down to these hard discussions and come to a common agreement. But, as I say, it may be difficult for delegations to engage in that way today. But when we do come to it, we might look at the various sets of language that already exist on some similar topics and then look at what we might be able to bring in from other items also on the table.

Mr. Najafi (Islamic Republic of Iran): First, I would like to fully support the statement made by Indonesia on behalf of the Non-Aligned Movement (NAM). We regret that the reaction to the alternative NAM proposal took almost one week and consumed three days of the substantive session of the Disarmament Commission.

Certainly, we will send the new proposal to our capital for instructions and views. Unfortunately, tomorrow is the weekend in Tehran. For this delegation, it would be very hard to come up with a quick answer from the government agencies for a meeting tomorrow. Perhaps the earliest possible time would be Saturday morning, which is the weekend here.

However, I would like to seek clarifications from the United States delegation. The issue in the first proposal seems very similar to what has been discussed in the Security Council. I was present in the joint meeting of the Non-Aligned Movement with the sponsors of the Security Council resolution on the issue of the illicit trafficking of weapons of mass destruction. In that meeting, in responding to the concerns of some delegations about there not being any reference to nuclear disarmament in the draft resolution, it was argued that the issue of the illicit trafficking of weapons of mass destruction has no relationship to nuclear disarmament. My question is how is it related to this issue at this time.

My second question is related to the term “illicit”. Perhaps the answer could help our capitals digest the first proposal. The question is whether “illicit” means activities outside the treaty regimes or outside States’ authority or whether it has another meaning. I would appreciate a response to this question.

Mr. McBride (United Kingdom): I am taking the floor as one of those involved in terms of the Security Council resolution. I, of course, align myself with Ireland’s proposal. As a point of clarification for my Iranian colleague the Security Council resolution is about non-State actors and is focused on very specific points. I cannot comment on the United States proposal but, on reading it, it does not seem to be focused on non-State actors or have the same focus as the Security Council resolution. So I think there may be some confusion as to what the resolution is about, and I had heard that this had been clarified at the meeting of the Non-Aligned Movement. Of course, the United States delegate can specify how he sees any cross-overs, but I would say the Security Council resolution has a completely different focus and that it is on non-State actors.

Mr. Najafi (Iran): I would like to thank our colleague from the United Kingdom. Although I believe this is not the right forum for discussing the Security Council resolution, all the obligations in the resolution refer to State parties. Indeed, it was the right question raised by some members of the Non-Aligned Movement at yesterday’s meeting, that, if it is the obligation of States parties, then it should be clear that there is a need to consider all aspects of the issue.

Mr. Liebowitz (United States of America): Let me say that I appreciate these questions very much. I will look at them carefully and consult with my authorities, especially regarding the first question, concerning the Security Council resolution. I would hesitate to say much about that withoutreally checking carefully, because I know this has been considered at a high level and, obviously, both issues were in mind. I would not like to try to interpret what is being discussed in the Security Council in terms of what we
are saying here because I have not been following the debate very closely.

Mr. Abu Zeid (Egypt): I would like also at the outset to fully support the previous intervention made by our colleague from Indonesia on behalf of the Non-Aligned Movement (NAM).

If I may comment on some of the points that have been mentioned today, I would like to say that since early on, there have been about three proposals on the table. These proposals required serious consideration by all delegations. It is not only just now that we need to be serious about these proposals. I think the Non-Aligned Movement and many other delegations have shown seriousness from the beginning, and we all share the goal of having a Disarmament Commission session this year.

My second comment is concerning the proposal we have in front of us today. While I want to say that we have not received any instructions on this proposal to date, I might also agree with the idea of having some preliminary comments on these items.

Regarding item number one, which is supposed to deal with nuclear disarmament, we think that the approach here is a bit general and ambiguous as well. It deals only with illicit activities that undermine nuclear disarmament. Does that mean that we are not tackling anything other than those illicit activities? I think there is the general obligation of States concerning nuclear disarmament that goes beyond whether or not these obligations deal with illicit activities or on other activities that might be licit.

We also think that putting the nuclear disarmament objective on the same footing with the objective of non-proliferation — and one item is undermining the importance of nuclear disarmament, which we all think should receive sufficient discussion and consultation among delegations — if we tackle these two issues and combine them in one option, we will not have enough time to concentrate on the objectives of nuclear disarmament, on which we all agree we need to concentrate, at least in relation to one of the agenda items.

On item number two, I tend to agree with some of the comments mentioned here concerning the wording “measures”, on which we seek clarity from the United States, for example, how would Member States be parties to certain “measures” and why did we use the word “measures”, and not other wording, such as “treaties”?

On item number three, although my delegation agrees on the importance of discussing this issue — and we are flexible on it in a way — we still believe that this is an issue that has to be discussed within the context and the framework of the fourth special session of the General Assembly devoted to disarmament, and not in the Disarmament Commission.

Mr. Gala López (Cuba) (spoke in Spanish): First I wish to thank you, Sir, and the other members of the Bureau, for convening this new session. In that regard, I wish to add that my delegation aligns itself with the statement made by the delegation of Indonesia on behalf of the Non-Aligned Movement (NAM).

Like the Iranian delegation, we are taking this opportunity to say that we have used up part of the time allotted for the substantive part of the Disarmament Commission session and we still have not reached consensus. Today basically we received the counterproposal of the United States, which, as other colleagues have stated, merits study and raises some questions. For example, my delegation would like to have clarification on whether the United States delegation, with regard to the first item, is attempting to establish some kind of linkage or conditionality between illicit activities and the achievement of nuclear disarmament.

My delegation believes that there should be no conditionality whatsoever in that regard. We should like to hear the United States delegation affirm whether that is its understanding with respect to the first point or whether, in order to achieve nuclear disarmament, there is a need first to resolve matters relating to illicit activities. In our view, nuclear disarmament is an issue that should not be subject to any other.

Ms. Notutela (South Africa): Let me just begin by saying that my delegation, too, supports the statement that was made on behalf of the Non-Aligned Movement (NAM) by the representative of Indonesia. I was not going to take the floor because I thought that the Indonesian statement on behalf of NAM was actually going to be satisfactory for me. However, listening to the discussion that is going on now, I, too, feel compelled to respond to the introductory statement that was made by our colleague from the United States.
I support fully what my colleague from Egypt has just said. It is not only now that we have heard proposals. We, as NAM, have come forward and submitted alternative proposals and we have, in turn, received positive indications regarding our proposals. This meant that NAM was trying to accommodate those proposals that were already on the table. We have waited patiently for delegations to consider our proposals and it has taken some of them about a week to respond. I guess that we need to take enough time, also as NAM, to consider this proposal, but looking at it, I, too, would just make some preliminary comments.

First of all, with regard to the first proposal from the United States, I have the same feeling that it is exactly the opposite of what NAM is trying to achieve in our own proposal. The proposal says “strategies for dealing with illicit activities that undermine nuclear disarmament”. I would agree if it actually said “strategies for dealing with nuclear disarmament in all its aspects” and then got to the issue of illicit activities or non-proliferation. In such a case, we would actually be in a position to consider this proposal. As it is, however, it really undermines what NAM stands for in terms of nuclear disarmament. It is the complete opposite. The NAM proposal that says “guidelines for nuclear disarmament and non-proliferation” actually tries to deal with the existing threats which my United States colleague said its proposal is trying to address.

I also have a problem with regard to item (b), which talks about conventional disarmament measures to which member States are parties. I am not sure — and I would need a clarification from the United States delegation — exactly which measures it is talking about here because, in our own proposal as NAM, we talk about the treaties and agreements to which member States are party. If the United States delegation could explain further so that I could be in a better position to inform my capital what exactly it is trying to achieve in putting down “disarmament measures”, I would be very grateful.

With regard to the third item, I guess all NAM countries represented here will remain flexible on the issue of discussing the working methods, but there is a principle here that is lost in the United States proposal. We have consistently said that there is an area where the disarmament machinery needs to be discussed and we really believe that the disarmament machinery can be discussed only at the fourth special session on disarmament. As NAM, we were flexible when the United States delegation wanted to discuss the effectiveness of the Disarmament Commission. We said that we could look at that and discuss the effectiveness of the Commission, but my delegation still has a problem in terms of discussing the disarmament machinery as a whole outside the context of the fourth special session on disarmament.

I have another problem in terms of discussing this issue as a three-year agenda item. We may want to look at the issue of the flexibility of General Assembly decision 52/492 — I understand that there is a loophole there and some form of flexibility — but the issue here is that, if we have two substantive items that we will be discussing and this third agenda item as well, are we going to create a subsidiary body to discuss the machinery? If we were to establish a subsidiary body to discuss the disarmament machinery within the Disarmament Commission, it would actually go against decision 52/492.

Those are the things that we need to discuss fully instead of trying to say that we do not accept them for this or that reason. Those are the realities that we have. I would really appreciate it if, before the meeting ends, the United States delegation could shed some light on some of the questions that we have raised here, so that, as we await our instructions from our capital, we can be in a better position to inform our authorities and take the next step forward.

The Chairman: Let me share with delegations how we see our being able to proceed further. I fully agree with the representative of South Africa that some more clarification could be useful for delegations themselves to clear up their positions. On the other hand, I really do not want to go along only on that path. I certainly can see — as has been mentioned by a number of delegations — that delegations are taking steps towards making their proposals more compatible.

That brings me to what we were discussing during the informal meetings: to have some kind of “informal” informal meetings. That is based on the understanding that we could hold a meeting among the delegations that presented the suggestions — those of the Non-Aligned Movement, the European Union and the United States — opening the door and leaving it open to any other delegations that wish to participate. I underline that this should not be considered some kind of club or closed discussion; it should be open to all those interested in contributing something. It should
discuss all the proposals now on the table, with the idea of finding consensus and common ground among the suggestions.

I understand there are difficulties in that, but I can see no other way we can achieve consensus this year. I also understand that delegations need time to receive instructions from their capitals, and that means there is not much sense in having a formal meeting tomorrow. This is just a suggestion, and I need delegations’ response to this, but we could hold that “informal” informal meeting tomorrow afternoon. If, tomorrow, we have some initial responses — not the final ones — we could take some steps in that direction and send the information to the capitals as well. If we could make some progress on that, we could hold the formal meeting on either Monday afternoon or Tuesday morning to finalize where we are.

Either we have to say that, yes, we are on the path of possibly coming to a consensus during the coming days — Monday, Tuesday or Wednesday — thereby starting the general debate and beginning the drafting process, or we should admit that it is impossible this year and postpone work until a time later this year — which is also rather problematic, as we have said. I have information — not just from the Secretariat but also from a number of delegations — that there would be serious difficulties in postponing meetings to May, June or July because of time constraints on delegations. That would most likely mean cancelling the session this year, with the hope that the Disarmament Commission would meet next year.

On the other hand, I would not encourage delegations to opt for that path because I and a number of delegations feel that delegations are making steps towards one another’s positions. That momentum would certainly be lost, and next year delegations would have to start from the very beginning. That is how the Secretariat and I see the picture. Any comments?

Mr. Najafi (Islamic Republic of Iran): Certainly, Mr. Chairman, we are in your hands, and we follow your ruling. But the question is, how can we go into “informal” informal discussions when we do not have instructions and views from our capitals?

The Chairman: First, I have to say that the Commission is not in my hands. I am in the Commission’s hands. That is a major difference.

Secondly, I certainly understand, and had already underlined, that delegations need instructions from their capitals, although I have to recall that delegations have already made remarks on the United States proposal today without having instructions from their capitals. That means that delegations already have some views on that proposal. That gives me the possibility to propose that approach.

Thirdly, I totally agree with our colleague that it is not normal to spend the time of the substantive session on finding consensus on the items. But either we pursue this path on what we are proposing or just cancel the session. If delegations do not want to consider the possibility of finding consensus at the current time, logic says the only other course is simply to close the session.

Mr. Alhariri (Syrian Arab Republic): I suggest at this stage of negotiations that we suspend the meeting, go on to informal meetings and proceed with your plan to meet with the coordinators for the Non-Aligned Movement, the European Union and the United States and any other interested delegations, at least to plan for our next step, perhaps for tomorrow, and to move beyond this point.

The Chairman: Of course, that is also an option. We were planning immediately to hold the meeting of the Bureau to discuss the current situation with them. During the “informal” informal meetings I am proposing for tomorrow, I hope that there will be more clarity in delegation’s views on substantive items. I hope so, but perhaps there will not be. Of course, we can hold the small meeting immediately today if there is agreement. I am open to the suggestions of delegations on that, if there are any.

Mr. Abu Zeid (Egypt): I tend to agree with the views of our colleague from Syria that perhaps a coordinating meeting today between representatives of
the Non-Aligned Movement, the European Union and the United States could guide us with regard to the possibility of flexibility of either side. If there is no room for flexibility before tomorrow, then I believe we should all take the decision to adjourn the session tomorrow.

**The Chairman**: I thank the representative of Egypt for his very direct point.

**Ms. Murnaghan** (Ireland): The European Union will certainly be guided by you, Sir. I think, though, that it might be useful, as has been proposed, to discuss procedure as well in a Bureau meeting, which could be open to other representatives. I also think it would be useful, as you suggested, Sir, a moment ago, to have a meeting of the Bureau after this meeting to discuss how we will go forward. I leave it open to you as to whether you wish to invite other representatives. I am in the fortunate position that I have many hats, and I can wear whichever hat you wish me to wear.

**Ms. Notutela** (South Africa): My delegation would tend to agree with Syria for one main reason. We have been meeting here informally and exchanging proposals or alternative proposals, whatever you may call them. But I do not think, in a bitter meeting such as this, it is working. We have made considerable gains when the coordinators have met separately outside the open consultations. I think that route could actually work for us better than meeting in open consultations. So I would suggest that we suspend the meeting to allow the coordinators to meet to try to find a solution, if that is possible.

But, again, I wish to remind delegations that it might be a problem to have instructions as early as tomorrow. We also need to take that into account. Then that will mean that at tomorrow’s meeting we will really have to take a decision on what we to do next. But I do not believe that continuing open consultations and exchanging proposals is really fruitful at this stage.

**The Chairman**: The views of the representative of South Africa are essentially what we have been saying here. We were just offering the possibility of some more time. If it is not needed, we are ready to provide our assistance and our good offices to hold informal consultations immediately. It is up to us to decide if that would be with or without the Bureau.

It looks as though delegations that submitted the proposals are not against holding informal consultations this afternoon after we close the formal meeting. Then we will suspend the formal meeting now.

I invite the members of the Bureau for consultations. I also invite the delegations of the European Union, the United States and the Non-Aligned Movement, and any other delegation that intends to participate in the search for a solution. Is that agreed?

Before closing the meeting, as it has been requested, I intend to propose the observance of one minute of silence in honour of the Rwanda massacre victims.

*The Commission observed a minute of silence.*

*The meeting rose at 4.30 p.m.*