

REPUBLIC OF POLAND

PERMANENT MISSION TO THE OFFICE
OF THE UNITED NATIONS AT GENEVA



15, CH. DE L'ANCIENNE-ROUTE
1218 GRAND-SACONNEX - GENÈVE

check against delivery

**Statement by H.E. Krzysztof Jakubowski
Ambassador and Permanent Representative
of the Republic of Poland
to the Conference on Disarmament**

"General statement"

Geneva, 12 February 2004

Madame President,

As I take the floor for the first time at the plenary meeting of the Conference on Disarmament during your Presidency, let me congratulate you on the assumption of this high office. Let me also thank you - as well as your predecessors in this chair - for tireless efforts to bring progress to the substantive work of the CD.

Madame President, Distinguished Delegates,

To better structure our thinking on the Conference on Disarmament today we should refer to the basis of the CD - namely to its relevance to international security environment, to the possibility of holding negotiations under present situation and to a framework for our actions in this room - that is: agenda and programme of work. That could help us - in turn - to better, more comprehensively answer questions often asked by our capitals.

Madame President,

The Conference on Disarmament - as a single multilateral body devoted to negotiate disarmament instruments - remains relevant. Today world puts outstanding challenges in front of us in the area of disarmament and non-proliferation. The issues like proliferation of weapons of mass destruction, compliance with the international treaties in disarmament field, regional arms control and disarmament seem to be even more relevant today than during the "cold war", when the CD had its best time (in terms of a number of treaties negotiated). Which is the other forum of multilateral character, capable of dealing with those issues? Where the countries of different regions, States-parties to various disarmament treaties can negotiate global arrangements in this field? What other body is able to secure sensitive national interests in the area of arms control by applying the rule of consensus? The Conference on Disarmament can best - we believe - fulfil all those tasks. And - as many people say in this room - if there were no CD, we would have to invent this Conference. Dear colleagues, we are in this comfortable situation that we don't have to invent CD. What we have to do, is to think and discuss how we can re-start substantial work in this body. That brings me to another issue - a possibility to start negotiations in the CD.

Madame President,

First of all, allow me to make one observation. I am convinced that although we have not adopted a programme of work and have not started any negotiations since 1998, we do conduct a "substantive work" in the Conference. Every plenary meeting, every informal meeting, seminars, side-events are widely used to explain national positions, to close the gap between national stand-points. And it is my strong conviction that every day in the CD brings us closer to start negotiations. What we try to do here is to start negotiations with consensual understanding where they will lead us to. And what we expect from the commencement of that work is that they will bring tangible results - new disarmament treaties. That is why I am sure that now we conduct a substantial work trying to set the starting stage for successful negotiations.

Now - can we start negotiations in this room? My answer is: "yes, we can." Let me just remind you that the Conference accepted in 1998 report of the Ad Hoc Committee which started negotiations of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. By that the CD also approved the conclusion of that report, which contained recommendation "to re-establish the Ad Hoc Committee at the beginning of the 1999 session". In my opinion, the re-establishment of this committee now should be viewed as a key element of rebuilding the credibility of the Conference and should become a proof that we are going to consistently implement the decisions that we undertook on the basis of the consensus.

Last year brought us closer to the start of substantial work. The proposal on the programme of work made by five ambassadors - former presidents of the CD - gave us a ground to bring closer our positions. It gave the impetus to fresh thinking in key capitals, to new considerations, which hopefully would bring us to a start line. The consultations by the Presidents of the Conference gave us new ground for reaching consensus in many areas: from the substantial issues - up to the wider engagement of the civil society.

One of the key results of last year's efforts was growing understanding on the necessity to break the "linkages", which were the greatest obstacle to the commencement of negotiations. We all know - it was precisely the policy of "linkages" that blocked the work in this room, not the rule of consensus. I hope that the spirit of consensus - understood as the common responsibility for progress of our work - will be present in this room during our future deliberations.

To have a full picture of the environment necessary to start negotiations in this room, we have to consider the issues of agenda and programme of work. I would like to touch upon those issues, which seems to have a key importance for better understanding of the framework of our work.

Madame President,

Articles 27 and 28 of the Rules of Procedure of the CD are well familiar to all of us. They concern the adoption of the agenda and establishment of a programme of work. Rules of Procedure are clear in this regard. However, interpretation and practice that we witness lead me to the conclusion that we allowed to be caught in a labyrinth without escape. Is it, however, possible to find a way out? Our thinking is following.

The Conference should adopt the agenda and in doing so should take into account the recommendations made by the General Assembly and – as we read in Introduction to the Rules of Procedure – *“the relevant provisions of the Final Document of the first special session of the General Assembly devoted to disarmament”*. Can we, however, go beyond that, trying to accommodate those recommendations to the needs of a present time? Accommodation does not necessarily mean a change. It rather means creative thinking about the agenda as a framework under which we can effectively deal with current challenges.

The Presidential statements made during the adoption of the agenda strengthened the meaning of the article 30 of the Rules of Procedure that provides for *“the right of any member State of the Conference to raise any subject relevant to the work of the Conference”*. Still, using existing “traditional” agenda we can for example tackle “out-of-the-box issues”. How? Couldn't we use the agenda item 2, “Prevention of nuclear war, including all related matters” to tackle WMD and terrorism? Or agenda item 6, “Comprehensive programme of disarmament” – to discuss the issues of compliance, verification and inspections or broader inclusion of conventional weapons in the work of the CD? Can't we use agenda item 7, “Transparency in armaments” to discuss confidence building measures in the area of conventional arms (especially that transparency is one of a key factors contributing to confidence building)? My answers for all those questions and a number of others are “yes”. And it is our thinking that by this approach we can re-establish the credibility of the Conference as of the forum which can follow the new trends in international security. By this, the CD could prove it can be effective and remain a centre of the multilateral efforts in the area of disarmament, arms control and non-proliferation.

Now, let me talk about a programme of work. The comprehensive programme of work has its value in taking-up issues being the priorities of the States in this room. Still – as it was made clear in a few statements recently (starting from the statement of Ambassador Inoguchi at the open-ended Presidential consultations on December 19th last to statements by Ambassadors Miranda and Trezza made last week) – there is neither consensus on nor capabilities among delegations to deal with all items contained in the proposed draft of a programme of work. What we should do then? Let's refer to the Rules of Procedure.

First, article 18 says clearly that *"the Conference shall conduct its work and adopt its decisions by consensus"* Which makes – in my opinion – the whole situation clear – if there is no consensus on any of items – there can not be decision in this regard, and subsequently – there can be no immediate negotiations. My understanding is that, unless there is no basis for consensus on the one issue, we should try to concentrate on search for common ground to start substantial work. At the same time we should start without delay our work on the subjects that already met the consensus.

Secondly, article 23 provides opportunity to create subsidiary bodies *"including when it appears that there is a basis to negotiate a draft treaty or other draft texts"* That means that subsidiary bodies can be established to negotiate the new treaties. However, the word *"including"* suggests that subsidiary bodies might be established to discuss issues other than those devoted to negotiate treaties that were accepted by all in this room. It has been a long a long accepted practice

Summing-up, perhaps we could view it more as *"a schedule of activities"* of the CD (as Rules of Procedure suggest) rather than as hard negotiated text. That could give us a necessary flexibility, which combined with the basic rules of work in the CD (especially the rule of consensus), could provide us with the opportunity to have a "road map" – that would be actually a programme of work, containing elements that would have consensual agreement to start immediately work on, while other elements would be awaiting consensus and be further discussed.

Speaking generally about the agenda and a programme of work, I am certain that creative thinking, free from stereotypes can bring progress to our work in this room. This approach should also apply to the Conference as a whole. The CD can be as much adapted to the today's challenges as much we – delegations in this room and decision makers in our capitals – can adapt our way of thinking. And that requires creativity.

Madame President,

Let me speak at the end about a few issues that are now discussed – formally and informally in the CD. The delegation of Poland supports your proposal, Madame President, of holding informal plenary meetings of the CD. This is legitimate way of conducting work by the Conference expressed in articles 19 and 22 of the Rules of Procedure. Let me also remind that in 2001, Special Coordinator on the improved and effective functioning of the Conference, Ambassador Prasad Kariyawasam of Sri Lanka reported that the consensus emerged from his consultations according to which *"wider and more frequent use should be made of informal and open-ended consultations"*

It is our view however, that such informal plenary meetings should be result-oriented. Deliberations should be given a decent chance to move us forward. Therefore, we see the need of good structuring and thorough intellectual preparation for this kind of work. Let me once again refer to the report by the Ambassador of Sri Lanka, in which he pointed out that there was general agreement on the utilization of the "friends of the President" - which could be widely used. In my opinion we could consider appointment of the "friends of the President" in the context of intellectual and structural preparation of informal plenary meetings. "Friends of the President" could come up with the "non-paper" containing the proposals on substance and structure of the debate during informal plenary meetings.

Last, but not least, let me Madame President address the question of the "out-of-the-box" or "new" issues. I wish to thank the French Ambassador - Francois Rivasseau - for taking up this subject. As we can see now, it gave the intellectual boost for general thinking about the Conference. Let me stress that those issues are of importance to today's international security and peace. Therefore, we see the space for these topics to be discussed during informal plenary meetings. The inclusion of those issues should also provoke us to broader thinking about the international security and disarmament in multilateral context. And let me underline - the Conference on Disarmament is a place to meet such an intellectual challenge.

Madame President, Distinguished Delegates,

Already once in my statement I compared our situation to the one in labyrinth. Indeed, many of us in the CD feel that we walk through the same corridors again and again and we can not find an exit. However, let me remind you that from the myth about brave Theseus who fought the Minotaur in the Labyrinth we can draw two lessons:

First - Minotaur is fallible and a way out of the Labyrinth can be found;

Secondly - when Theseus killed a Minotaur, he was surprised to have found out that the face of the beast was in fact the reflection of his own.

I sincerely hope that with all the expertise and talents gathered in this room, using innovative, creative thinking, we will be able to find the way out of the labyrinth.

Thank you, Madam President.