

**Statement by
the President of the Conference on Disarmament,
Tim Caughley (New Zealand)
on 10 March 2005**

Dear Colleagues

Although my bilateral and other consultations are continuing I want to offer the Conference a rather more complete progress report than I was able to do last Thursday. In putting forward what may amount to tentative conclusions, I am conscious of the CD's busy schedule next week, its high level political focus, and the fact that I have still to talk bilaterally to a small number of delegations.

Mindful of an impending event of considerable significance and importance – the NPT Review Conference – I set myself from the outset the task of trying to identify positive rather than negative elements in the CD's current predicament.

The food for thought non-paper put forward informally by my predecessor, Ambassador Chris Sanders, has served a useful purpose in that regard. In the tradition of continuity forged by successive Presidents in the past year or so I pursued the "food for thought" paper in my consultations. I must report that I encountered several hesitations about securing firm instructions on the basis of a paper that has no formal status. But I am glad to say that an overwhelming number of delegations responded to my efforts and provided me with valuable insights into the degree of their flexibility. That is the first positive matter to report, and I will come back to this element of flexibility several times in what follows.

The second positive aspect has been the readiness of delegations to get down to serious work on the basis of one or more of the four priority or core issues. That desire is virtually universal. This, as many previous Presidents have reported, is not new, but there was very widespread consolation that the food for thought non-paper, like several previous formal proposals, encompassed the notion of four priority issues.

That very widespread reaction needs, however, to be seen against the full spectrum of views. At one end of the spectrum, the readiness to consider agreeing to a work programme that includes more than one of the four core issues is conditional on there being agreement that negotiation of a fissile material cut-off treaty gets promptly under way. Such a negotiation would, for at least one of these few states, seemingly need as things currently stand to be on the basis of an unqualified mandate.

At the other end of the spectrum, the readiness to negotiate an FMCT is conditional on there being a mandate that contains certain minimum

requirements, especially verification, as part of a work programme that contemplates discussion, in some shape or form, of the other three core issues. It was made very clear to me that until the flexibility that has been shown over the years, for instance in relation to the nature of the mandate on negative security assurances, the coverage of new and additional issues and the identification of four Special Co-ordinators, - until that flexibility was reciprocated the prospects for a meeting of the minds would be precluded.

On the face of it, this is not a positive development but simply represents the status quo, that is, the current deadlock. I'm inclined, however, to take a more positive view of the situation, for these reasons. The number of states who are showing flexibility between the positions at either end of the spectrum has increased both in terms of numbers and the level of flexibility. In addition, while not every member of the Conference wants to begin negotiation of an FMCT (in any shape or form) no-one said to me in so many words that such an outcome would be insuperable.

And, while not every member of the Conference is currently able to agree to a work programme that includes core issues other than FMCT, I have discerned a readiness to discuss those other issues as being implicit in the conditionality to which I have referred. Moreover, it may be significant in relation to further testing the flexibility of those states that negotiation of an FMCT, albeit on certain terms, is seen as a matter of some urgency by them. On the other hand, to secure the acceptance of others, that readiness to discuss the other core issues would need to be demonstrated simultaneously with the settling of the FMCT mandate.

Let me try to relate the remarks I have just made to specific proposals that are before this Conference. The Five Ambassadors' proposal retains a very strong following but for some time a degree of pragmatism surrounding its evolution has been present. Whether the food for thought paper, if tabled formally, will ultimately gather the same degree of support, on the strength of my consultations to date it is too early for me to say. Unless I am encouraged from all quarters of the CD during the week ahead, I do not myself intend to test those waters in that way. As many colleagues have pointed out, the Conference's problem is not the shortage of proposals or any deficit of diplomatic ingenuity but the lack of political will.

The final positive sign that I wish to mention relates to the future of this body. Concern about its relevance and credibility is widely shared. Members are very anxious, as one delegate stated, to see it "kick-started". It was clear to me also that the CD's relevance and credibility is much more intimately bound up with its ability to negotiate and/or address the core issues than it is to embark on discussion of new or additional issues of importance but of lesser moment. No new or additional issues were put forward that would, in any event, be capable of securing consensus for inclusion in a programme of work.

The three or four positive indications or impulses that I have identified lead me to put forward for reflection several baldly stated equations, in no particular order. Let me emphasise that these equations do not reflect every member's position but represent my understanding of the main sticking points. I may be merely stating the obvious, but I wish nonetheless to try, on the basis of what delegations have said to me bilaterally, to set out the main – I emphasise main - negotiating fault-lines.

- Securing agreement on an FMCT mandate without conditions may entail the acceptance of discussion mandates on the other three core issues. And its corollary - securing agreement on discussion mandates on the three core issues appears to entail acceptance of an FMCT mandate without conditions.
- The readiness to accept the negotiation of an FMCT entails the need to ensure that that negotiation encompasses, as a minimum, the inclusion of a verification mechanism. By the words "as a minimum" I am alluding to the concerns of some states that a work programme that meets this need would also include discussion mandates on the other core issues.

It is relatively easy to state the nature of a problem: it is much harder to suggest an answer. As members of this Conference know, our rules of procedure envisage the adoption not only of a programme of work but also of a schedule of activities. I would like to believe that if we could agree on a mandate for FMCT, we could develop a schedule of activities running over the balance of the year that would provide assurance that alongside the negotiation of an FMCT the other three core issues would be addressed in a sequential or rotational manner, or both, that met the needs of those states for whom engagement on those issues is essential.

And, in parallel with the negotiation of such a schedule of activities, I would like to believe that we could also find a procedural way forward on the content of the mandate for the negotiation of an FMCT. This would entail a means by which it would be understood that the subsidiary body on FMCT had an unencumbered mandate except in one vital respect. That subsidiary body would be obliged to establish a group of experts to advise it on matters relevant to the effectiveness of the proposed treaty, the precise meaning of which would need to be the subject of a clear understanding.

Members of the Conference will have other ideas on the best way forward. My concern has been to sharpen the focus on the impasse through the prism of what to me have been the positive elements that have emerged during New Zealand's presidency to date. To the extent to which I have jumped to conclusions, no doubt members will correct my misapprehensions. I can only

hope that when they do so they will put forward constructive suggestions on how consensus can be forged.

To return to the food for thought analogy from my progress report last week, the proof of the pudding will be in the eating. It will not be a particularly palatable pudding but it will restore to the CD its credibility as a negotiating body and more importantly, by addressing non-proliferation of nuclear weapons through the negotiation of an FMCT, it will contribute to the security of every nation.