Statement by H.E. Ambassador Alexey BORODAVKIN
Permanent Representative of the Russian Federation
at the Plenary Meeting
of the Conference on Disarmament

March 29, 2016

Madame President,

I would like to greet you at this responsible position of the President of the Conference and wish you success in your work. I have no doubts that, under your able guidance, joint efforts of the CD members will allow us to find mutually acceptable solutions on the Programme of work.

Madame President,

Allow me to express to you, and through you to the Government and people of Pakistan sincere condolences in relation with the terrorist act that claimed more than seventy lives and left more than 300 injured.

We definitely condemn this barbaric action that can no way be justified. We are convinced that masterminds of this crime will be found and suffer a severe punishment.

The events in Lahore, as well as before that in Brussels and many other parts of the World confirm an indisputable fact. The global terrorist threat can only be countered by united efforts of the international community.

The Conference on Disarmament can make its input in addressing this common problem.

Madame President,

Dear colleagues,

Today the Russian delegation has distributed at the Conference on Disarmament the Draft Elements of the International Convention for the Suppression of Acts of Chemical Terrorism and corresponding Explanatory Note. Before presenting these documents I would like to note that we are, in general, satisfied by the way the Russian initiative was received, even though it came as a surprise for many of you.

Intensive contacts that took place in March in Geneva and in the capitals of the CD member states allowed us to take note of two important aspects. Firstly, all the partners admitted the extremely topical character of the issue of countering chemical terrorism. It is not surprising taking into account the tragic events in a number of Middle East countries where not even hundreds, but thousands of people have suffered of terrorists attacks employing chemical agents. Secondly, no one said that our initiative somehow affected their national interests and thus under no circumstances could serve as a basis for consensus. This is what, in our view, makes our initiative different from the traditional CD agenda items, each of which has its opponents. Taking this into account we consider intermediate results of discussions around our initiative as generally encouraging.
We are very much thankful to the countries that have already supported the Russian proposals. The overwhelming majority of other partners say that they perceived our ideas with interest and continue studying them. We also receive qualifying questions. Actually, there are only two of them, even though they are formulated in different ways. The first one is if there are really such gaps in the international law that require elaborating a new international agreement, or it is enough to limit ourselves to improving the application of existing ones. The second one is whether the Conference on Disarmament in Geneva is the most appropriate venue for negotiations on this topic. In our Explanatory Note we try to answer these questions.

The analysis contained in this document shows that, evidently, the negotiation won’t start from a blank page. In the existing international law there are elements applicable for fighting chemical terrorism. The anti-terrorist provisions are contained, in particular, in the Chemical Weapons Convention, the International Convention for the Suppression of Terrorist Bombings, UNSC Resolution 1540. At the same time the analysis shows that there are significant gaps in them. One of the clearest examples is that the CWC does not cover situations, non-standard but highly sensitive from the security point of view, which may arise during conflicts. The OPCW Executive Council recognized this problem back in 2009. Since no one is ready to “open” the CWC, it was then decided to develop some “basic principles” which would be taken into account together with the CWC, i.e. exist in parallel with it. But in the end it wasn’t done. Besides that we doubt that attempts to address such important and sensitive issues through political arrangements are justified. It would be more correct to do it through a new legally binding convention we propose, closing at the same time other existing “gaps” in the international law which we indicate in the Explanatory Note. It would allow us to counter chemical terrorism in a more efficient and comprehensive manner.

Speaking about the gaps we would like to draw your attention to the fact that several delegations, first of all our Chinese and Italian colleagues, spoke in favour of widening the scope of a new arrangement to fighting the acts of not only chemical but also of biological terrorism. In fact the Biological Weapons Convention developed more than forty years ago is even less suitable for countering terrorism. For instance, it does not contain direct prohibition of the use of biological weapons, including by non-state actors, it does not qualify the acts of biological terrorism as crimes, and its provisions on national implementation are written without taking into account terrorist threat at all. It is time to eliminate these deficiencies. All the more so that biological threats from terrorists have increasingly real character. Literally several days ago there was information that an act of biological terrorism was prevented in a Middle East country.

We see no insuperable obstacles to combine in one instrument both chemical and biological aspects of terrorist threat since these topics are related. In some cases it will be sufficient to add references to terrorist acts with use of biological weapons to the corresponding articles of the Draft Elements of the Convention we propose. But at the
same time we shall probably need some additional provisions taking into account the specificity of biological topics and their lesser reflection in the international law as applicable to terrorist activities.

I would like to use this opportunity to express my gratitude to the Chinese and Italian partners for their creative approach and valuable “prompt” letting to give our initiative even higher “added value”.

As for the doubts some countries have regarding the Conference on Disarmament as the venue for negotiations on a new Convention, we would respond that, surely, they could be carried forward somewhere else, for instance, in New York under the auspices of the UNGA. That is what the Russian Minister of Foreign Affairs Sergey Lavrov said in his statement at the CD on March 1. But we do prefer the Conference, thinking, above all, of the necessity to wake it up from its lethargy. We consider it absolutely abnormal that the CD has been unable for twenty years to start negotiations on any issue, resulting incapable to fulfill what it was initially designed for. It is hardly possible to expect to remedy this situation any time soon by agreeing a Programme of work only on the basis of its traditional agenda – the controversies on any of its items are too deep. All the previous experience, as well as current discussions, provide no ground for hoping that these differences might be bridged in the foreseeable future. What is left is either to resign ourselves to this state of play continuing fruitless arguments and walking in circles, or look for a way out by including into the agenda new topics not taken into account before but capable of playing a unifying role. Besides, we need to specially underline that we are not pursuing any narrow national or momentary interests. The Russian initiative is aimed exclusively at giving an adequate response to the growing challenges of terrorism and at the same time at overcoming the stagnation at the CD, something that corresponds to everyone’s interests. For the sake of this we are even ready not to insist on negotiations on the Russian priority – prevention of arms placement in outer space.

The fact that both the BWC and the CWC were negotiated here at the CD also speaks in favour of the Geneva as the venue. It would be completely logical to eliminate gaps they contain regarding terrorism also in Geneva. In this context taking into account that not all the CD Member States are parties to the mentioned conventions it is important to underline that we are talking of a separate, fully independent convention, which would in no way affect the integrity of the two existing arrangements. We are convinced that all the States at the CD can participate in developing and implementing new convention even not being parties to the BWC and the CWC without any prejudice to their position.

Some partners draw attention to the fact that the topics we propose are not fully disarmament-related. This is true, but there is a disarmament dimension about it, and we show that in our Explanatory note. It would be right to say that it lies at the intersection of disarmament, non-proliferation and anti-terrorist efforts. We do not see any reason why the Conference could not deal with it.
Some delegations doubt that there is necessary expertise here in Geneva. We are not convinced by this argument. When at the end of 1980s substantive negotiations on the CWC started at the Conference, at the beginning none of the delegations had necessary expertise. But this deficiency quickly disappeared during the joint work. Thus, a highly professional, well-elaborated arrangement that became part of the “golden fund” of the international community saw the light.

Another example is an FMCT. Only Vienna has true expertise in this topic, highly complicated from the technical point of view, but it does not prevent the respective item from appearing in the CD agenda. So let us not underestimate the ability of the current generation of the Geneva disarmament experts to cope with the topical issues of the current international agenda not worse that our predecessors. We should not shift the responsibility to other international fora when we can fulfill the task ourselves. We hope that everyone who cares about the fate of the CD agrees with us.

Several words about the draft elements of the proposed convention. They are based on groundwork already existing in the international law. It uses, in particular, a number of articles from the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Acts of Nuclear Terrorism. Evidently, corresponding provisions have been modified to “fit” the needs of fighting chemical threats. Further modification will be needed if we agree to widen its scope to biology. We would like to draw special attention to Articles 15 and 16 of the draft, regarding a highly complicated issue of conflict situations. We have just touched upon these issues abstaining from providing detailed wording. We proceed from the assumption that it will require collective efforts in the course of negotiations.

It is important to underline that we do not consider the draft elements of the convention as an exhaustive document. We are convinced that during negotiations many delegations would propose substantive additions like our Chinese and Italian partners have already done. We would only welcome that since efficient arrangement can only be achieved by collective efforts.

In conclusion I would like to assure that we, certainly, are not suggesting focusing the work of the CD exclusively on the proposed convention. Our proposals on the Programme of work handed over to the Norwegian Presidency at the beginning of March envisage establishing four working groups with discussion mandates – on nuclear disarmament, outer space, FMCT and “negative” security assurances. We are also ready to consider other options in the framework of a balanced Programme of work with the understanding that it should necessarily include negotiating component.