

Statement by Ambassador Rakesh Sood, Permanent Representative of India to the CD

June 27, 2002

Mr. President,

Let me congratulate you on your assumption of the Presidency of the Conference on Disarmament and also assure you of the full cooperation of my delegation in the important task that lies ahead of you. The Conference has already seen during the year the energetic contributions of your distinguished predecessors from Egypt, Ethiopia, Finland and France, each of whom deserves our sincere appreciation. We already miss the presence in our midst of some eloquent colleagues such as Ambassador Les Luck of Australia, Ambassador Seiichiro Noboru of Japan, and Ambassador Munir Akram of Pakistan. I would also like to welcome all the distinguished colleagues who have joined us in recent months. They are, besides you Mr. President, - Ambassador Michael Smith of Australia, Ambassador Wolfgang Petritsch of Austria, Ambassador Dimiter Tzantchev of Bulgaria, Ambassador Kuniko Inoguchi of Japan. Let us hope that the fresh ideas and approaches that you and other colleagues bring to this Conference will help overcome the present stalemate.

2. In recent weeks and months, we have witnessed a remaking of the global security agenda. Earlier in June, the Anti Ballistic Missile Treaty, long described by many as the 'cornerstone of strategic stability', ceased to exist. Last month, NATO leaders welcomed the Russian leader President Putin, into a NATO-Russia Council. Days before, US and Russian leaders signed the Strategic Offensive Reduction Treaty. Its definitional nuances and conciseness of two and a half pages, compared to the 700 page START I signed in 1991 shows the distance traveled in just over a decade. Earlier in the year, the US Nuclear Posture Review provided a disconcerting glimpse into new doctrines and roles for nuclear weapons, in the post-11 September world. The cases of anthrax in the mail last year galvanised the world to the threat of bio-terrorism but at the same time, the Biological Weapons Review Conference session was so wracked by dissension that it had to be suspended for a year. NATO invoked Article 5 of its charter for reasons that could never be dreamt of when its charter was being drafted. To someone returning home to planet earth today, after a fifteen year trip in outer space, the world would be unrecognizable!

3. The post-Cold War period began in 1989 with the coming down of the Berlin Wall. We were still trying to cope with its ramifications, but even before we could find a better, a more evocative and less mundane term for it, the curtain came down on the post-Cold War period on 11 September last year, with the indelible images of the collapsing of another structure - this time the World Trade Centre towers, with the sheer momentum propelling a shocked world into the post-11 September period. If the post-Cold War period was described as a period of US pre-eminence, unparalleled in human history, the post-11 September period today reflects the sense of acute vulnerability of the US to asymmetric threats. A wired up world makes these threats anonymous, unpredictable and rapid. Globalisation has magnified the risks of terrorism, by coupling it with the heightened dangers of proliferation of weapons of mass destruction.

4. Another symptom of change in thinking, in the post-11 September world is the realisation of diffusion of power away from a government to an individual or a transnational group. Global terrorism has privatized war. Conflicts need no longer be among sovereign states. Casualties in these conflicts are no longer combatants but increasingly, innocent bystanders and civilians. How can such conflicts be prevented? Can non-state actors be

deterred and if not, then can this threat be tackled successfully?

5. During the last century, the two main conflicts of global dimension, in defence of global peace and security, were waged against fascism and communism. The challenges of both 'isms' were based on ideological movements. Does global terrorism project an ideology; does it defend a people? No; in itself, it constitutes a threat to the legitimacy of sovereignty. The perpetrator of the global terrorist act believes that there is no innocent, in view of righteousness of a cause sanctified by the ultimate sacrifice and the promise of martyrdom. Such an approach turns its back on the last five centuries of civilization and political evolution. Creating fear, inflicting violence and attacking innocents – were long ago declared invalid instruments to achieve political goals; such actions have long been delegitimised in inter-state conduct, and, today, even in intra-state conflicts. These constitute a definition of 'terrorism' and there is no cause or ideology or religion that can be invoked in its justification.

6. The Treaty of Westphalia gave us the concept of state sovereignty more than three centuries ago. In turn, this concept re-defined 'threat' and 'war', and further, evolved the laws of war and international humanitarian law in response. Shocked by the horrors of World War II, sovereignty was sought to be modified in the UN Charter in terms of 'collective security', but the experiment was short-lived because the bipolar world and the Cold War froze history. With the end of the Cold War, some thought, rather triumphantly, that history had ended. The obituary was premature. Clearly, history has returned, with renewed violence and a threat that affects everybody. The global terrorist takes refuge in places and regions where sovereignty is weak and lacking, in failed states and states that are adrift. From this haven, the global terrorist undertakes his campaign, taking advantage of technological sophistication that globalization can provide.

7. If non-state actors and transnational groups cannot be deterred then pre-emptive action may become an option to defend sovereignty and maintain order and stability. Failing states need to be saved in a globalised world to prevent them from regressing into a black hole and failed states need to be rebuilt. Such actions do not infringe their sovereignty because these states are no longer able to exercise responsibility and, to that extent, their sovereignty already stands eroded.

8. However, for pre-emption to work successfully, exercise of force needs to be both judicious and legitimate. This brings in the tradition of rule of law, and multilateralism to confer legitimacy. By definition, no war today can be absolute, for in the ultimate analysis, it is intended to safeguard life and society, and the rule of law that the society of the sovereign state represents. But the greater the legitimacy and judiciousness, the greater the means and authority available to pre-empt.

9. Collective action requires cooperation among states. States with a strong sense of sovereignty become natural allies in the war against global terrorism because they perceive the threat, directly and intuitively. Strong sovereigns can make a strong coalition. Pluralism in nature may be a fact, but pluralism in society is a civilizational achievement. In a world where dependence and connectivity, between states and within states, is expanding, it becomes vital to defend and nurture pluralism, just as it is vital to defend and nurture freedom. To promote one at the cost of the other generates intolerance, violence, instability and anarchy. Reworking these fundamental equations needs dialogue and negotiation, laws and treaties, and, ultimately, security in compliance.

10 This brings me to the CD, which has remained a passive spectator to these momentous events of recent months. If rule of law is what we are safeguarding, then multilateralism has to be strengthened. And the CD, as the sole multilateral negotiating body in the field of disarmament, has its task cut out. We have an agenda which is relevant. The potential threat of a global terrorist, armed with a deadly pathogen or an 'improvised nuclear device'

(a term preferable to 'dirty bomb') should help concentrate our minds on the task at hand.

11. For too long, we have confined ourselves to talks about talks. To agree on a Programme of Work, it is not necessary to engage in prolonged discussions on procedural reform, as we have been attempting. Appointing Special Coordinators on agenda items, as provided in paragraph 5(d) of CD/1036 can hardly be the solution. What is needed is a sense of realization about the collective threat we face and generation of the requisite political will. We are like a team of swimmers, that has never played together, standing at the edge, discussing tactics and the outcome; we need to take the plunge and once we do, we will begin to swim because that is all one can do in the pool. The CD, by definition, is a negotiating forum and once we take the plunge and set up Ad hoc Committees on different agenda items, we may find different strokes, we may only tread water for some time, but at least we will be in the pool!

12. The Amorim proposal in CD/1624 is an effort in this direction, and the result of many hours of patient deliberations undertaken by many distinguished colleagues. Subsequent discussions too, do not seem to have brought us any closer to resolving the impasse on the Programme of Work. It may not be the ideal option for everybody. For my delegation, our preferred position is contained in CD/1570 and CD/1571, which calls for "negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention." We also support the position of G-21 on the establishment of an Ad hoc Committee on Prevention of an Arms Race in Outer Space. Since 1998, we have indicated readiness to participate in negotiations leading to a non-discriminatory, multilateral and internationally and effectively verifiable treaty, banning the production of fissile material for nuclear weapons use. Yet we have displayed flexibility, and today, let me reiterate our readiness to accept CD/1624, if it enables this Conference to adopt a Programme of Work.

13. The CD was built over time, as a result of the foresight that future disarmament treaties needed to emerge from multilateral negotiations in order to enjoy the legitimacy that collective will provides. It has proved its usefulness in the past and can no doubt demonstrate its credibility again, provided we, its members do not undermine it. Unilateral and bilateral disarmament measures are certainly welcome. But global peace requires legitimate security for all, ensured through multilaterally negotiated legally binding instruments that can provide assurances of verifiability, irreversibility, compliance and universality. Our task here is to forge respect for 'rule of law' and this is the forum where such treaty law is developed, on the basis of equality, dialogue, consensus and mutual benefit.

14. Two hypotheses emerged at the end of the Cold War. One was that history had ended, and we have clearly seen that this was not so. The second was the notion of the 'clash of civilizations' whose consequences will be catastrophic and so it must be falsified. The instrument of its falsification is 'rule of law' backed by the legitimacy of multilateralism. Therefore, this Conference can no longer remain a passive observer of the changing security environment. It has a vital role to play. And we, each and every one of us, has a responsibility to bring it about.

15. I am confident, Mr. President, that your efforts will enable us to make progress towards this objective.

Thank you, Mr. President.