

# Conference on Disarmament

28 December 2015

Original: English

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## **Letter dated 15 August 2015 from the President of the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the reports of the coordinators on the various substantive agenda items in accordance with decision CD/2021 adopted by the Conference on 5 June 2015 establishing a schedule of activities of the 2015 session**

I have the honour to transmit to the Conference on Disarmament the following reports in accordance with decision CD/2021 adopted by the Conference on 5 June 2015, establishing a schedule of activities:

1. Agenda items 1 and 2 with a general focus on nuclear disarmament coordinated by Mr. Amr Ramadan, Ambassador of Egypt;
2. Agenda items 1 and 2 with a general focus on the ban of the production of fissile materials for nuclear weapons and other explosive devices coordinated by Mr. Michael Biontino, Ambassador of Germany;
3. Agenda item 3 on prevention of an arms race in outer space coordinated by Mr. Matthew Rowland, Ambassador of the United Kingdom of Great Britain and Northern Ireland; and
4. Agenda item 4 on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons coordinated by Mr. Ravinatha P. Aryasinha, Ambassador of Sri Lanka.

The reports were submitted by the coordinators in their personal capacity.

I request that the reports be circulated to member States of the Conference in a single official document of the Conference on Disarmament.

(Signed) Ambassador Dell Higgie  
New Zealand  
President of the Conference



## **Annex I**

### **Report of informal discussions on agenda item 1 “cessation of the nuclear arms race and nuclear disarmament” and agenda item 2 “prevention of nuclear war, including all related matters” with general focus on nuclear disarmament**

#### **Submitted by Mr. Amr Ramadan, Ambassador and Permanent Representative of Egypt**

1. On 5 June 2015, the Conference on Disarmament adopted a decision CD/2021 which stipulated that the Conference on Disarmament would start a series of informal discussions on the four core agenda items on the Conference on Disarmament agenda for 2015 contained in document CD/2008.
2. In accordance with the indicative timetable annexed to document CD/2021, Mr. Amr Ramadan, Ambassador and Permanent Representative of Egypt, has coordinated informal discussions on agenda item 1 “cessation of the nuclear arms race, and nuclear disarmament” and agenda item 2 “prevention of nuclear war, including all related matters” with general focus on nuclear disarmament on 11 June and 18 June 2015 respectively. The report contains a summary, prepared on the Coordinator’s personal capacity, of these discussions, which were neither negotiations nor pre-negotiations.
3. In order to facilitate discussions, the Coordinator circulated, before the meetings, a work plan containing a non-exhaustive list of the most important topics that should be addressed under the scope of nuclear disarmament.
4. At the beginning of the discussions, Mr. Marco Kalbusch, the Secretary of the Conference on Disarmament, delivered a presentation containing a brief summary of previous discussions on nuclear disarmament in the Conference on Disarmament between 2006 and 2014 with the aim of fostering the start of related substantive work in the context of balanced, comprehensive and agreed programme of work for the Conference on Disarmament. This presentation was of noticeable significance to pave the way for the start of the discussions. In the presentation, common elements with regard to nuclear disarmament were repeated in the different episodes of the informal discussions, the most prominent of which was the proposal to establish an ad hoc committee or a subsidiary body that would be entrusted with starting negotiations on a phased programme on nuclear disarmament. Other repeated elements included the proposal on concluding a convention banning or prohibiting nuclear weapons, the principles of transparency, irreversibility and verification, in addition to the possible legal instruments that address other different aspects of nuclear disarmament.
5. Some delegations noted that CD/1864, adopted on 29 May 2009 during the 1139<sup>th</sup> plenary meeting, was the last time a working group on agenda item 1 “cessation of the nuclear arms race and nuclear disarmament”, was established, and underlined the urgent need to make progress on this topic in the Conference on Disarmament.
6. During the discussions, there was strong reference to the fact that the international disarmament machinery does not operate in a vacuum. It is for this reason that some delegations raised concerns about the gravity of the current strategic context as manifested by increasing levels of global geo-strategic tensions. It was noted that a new arms race could have serious implications on such tensions. Delegations noted that to achieve

effective nuclear disarmament, political will is needed in addition to a proper security environment. The deployment of sophisticated weapons was ascribed to emerging security threats by some delegations, though others perceive these purported threats as only a pretext to justify development and deployment of new weapons that disrupt global strategic balance.

7. The role of the Conference on Disarmament is believed to be essential to most of the member States of the Conference on Disarmament. A number of delegations asserted that the Conference on Disarmament should be re-energized to bring about negotiations on nuclear disarmament, which remains, for these delegations, a highest priority. Yet, some delegations, in light of the on-going Conference on Disarmament impasse, want to explore the possibility of starting negotiations in other fora, with particular emphasis on the United Nations General Assembly, in light of its universal membership. Few member States even questioned the added value of these informal discussions and their impact on the resumption of the Conference on Disarmament substantive work. To overcome the current Conference on Disarmament impasse, suggestions were raised to the effect that preparatory negotiations could start on issues like transparency and verification so as to pave the way for negotiations, at a later stage, on core items on the Conference on Disarmament agenda.

8. States possessing nuclear weapons perceive deterrence as a relevant doctrine that continues to justify the continuous retention of their nuclear weapons. While there was general understanding among these States, and some others, of the deterrent value of nuclear weapons, some of them underscored that their military doctrines refer to the use of nuclear weapons only in exclusive situations that endanger the existence of the State. In this connection, some of them also highlighted the necessity to start a dialogue on the reduction of role of nuclear weapons in their military doctrines, and on the prohibition of use. Others, however, believe that declarations of no first use have never been considered to be credible. Furthermore, the question was raised whether a legal instrument on no first use would be enforceable or verifiable. In the same connection, reference was made to the fact that weapons holdings amongst States possessing nuclear weapons differ in size and role. This should be considered when calling on these States to achieve nuclear disarmament. Several non-nuclear weapon States, from their part, perceive deterrence as conducive to proliferation of nuclear weapons.

9. There was a general consensus that the final document of the first special session of the United Nations General Assembly devoted to disarmament in 1978 “SSOD-I” is the basis of the Conference on Disarmament role as the single multilateral negotiating forum, taking into account that many delegations perceive SSOD-I as the only international document that enjoys wide consensus on nuclear disarmament-related matters.

10. One of the established principles of SSOD-I is that the adoption of disarmament measures should take place in a balanced and equitable manner to ensure the inalienable right of each State to security and to ensure that no State or group of States may attain advantages over others at any stage. The ultimate objective of this principle is to guarantee undiminished security at the lowest possible level of armaments and military forces.

11. In addition to SSOD-I, reference was made by some delegations to the United Nations General Assembly resolution 68/32 titled “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”, which “calls for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction”. In the same connection, reference was made by some delegations to CD/1999.

12. To pursue nuclear disarmament, several approaches were highlighted: 1) a comprehensive nuclear weapons convention; and 2) an approach focusing on the legal provisions required for the achievement and maintenance of a nuclear weapon free world to be established in the framework of one or a set of legal instruments; and 3) building blocks approach, which entails a pragmatic process of nuclear disarmament allowing for parallel and simultaneous steps on a multilateral, plurilateral, bilateral or unilateral basis; and 4) a step-by-step approach, which builds on previously concluded efforts and instruments through selecting feasible measures that lead to significant reductions in the numbers of nuclear warheads, and takes into account the dynamics of the surrounding security environment. For a group of States identifying themselves as P5, the step-by-step approach is the only realistic and practical route to achieving a world without nuclear weapons.

13. While the relevance of unilateral, bilateral and plurilateral measures to achieve nuclear disarmament was highlighted by some delegations, others stressed that these efforts, although welcomed, are not a substitute for multilateral efforts. For States possessing nuclear weapons, nuclear disarmament is a long and complex process that requires patience, cooperation and persistence to complete. It was also highlighted that modernization does not aim at increasing the destructive power of nuclear weapons or assigning new roles to them in security doctrine. Rather, modernization of nuclear weapons aims essentially at increasing their safety and reliability. Reduction efforts in last years were referred to by some delegations, yet others questioned the validity of such efforts amid the on-going pursuance by States possessing nuclear weapons of modernization processes of their nuclear arsenals, which signify their will to indefinitely retain them.

14. It was emphasized by many non-nuclear weapon States that initiatives on the humanitarian consequences of nuclear weapons has added to building momentum and increasing the urgency for making progress in nuclear disarmament for the achievement of a nuclear weapon free world.

15. The vigorous endorsement of the Humanitarian Pledge, by to date 113 non-nuclear weapon States, is a reflection of the significant role this approach could play in future efforts towards nuclear disarmament. There was reference, however, that this approach lacks “inclusivity”, taking into account that all States possessing nuclear weapons and some non-nuclear weapon States (umbrella States especially) do not support it. In the same time, States possessing nuclear weapons were also asked to give proper consideration to the validity of this approach.

16. It has been also emphasized by some delegations that while pursuing the goal of nuclear disarmament, other confidence building measures should also be pursued like de-alerting, removal of fissile material from warheads, transparency visits, voluntary reporting as well as strengthening the domestic legal structure through the adoption of domestic legislatures in support of nuclear disarmament.

17. Many delegations highlighted that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the current nuclear non-proliferation and nuclear disarmament regime. Failure of the ninth Review Conference of the Treaty to adopt a consensus outcome document was referred to as one of the most striking symptoms of the malaise of the international disarmament machinery. Many delegations noted that while the preservation of the current nuclear non-proliferation and nuclear disarmament regime is a collective responsibility, nuclear weapon States should proactively play a significant role towards this end. In light of its significance, there were repeated references to the necessity to find ways to strengthen the implementation of the treaty, including through building on the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the draft outcome document on nuclear disarmament of 2015 Review Conference. Some, however, believe that nuclear disarmament in the

context of the Treaty on the Non-Proliferation of Nuclear Weapons process is indeed at critical juncture.

18. In this regard, many non-nuclear weapon States underscored the significance of identifying possible “effective measures” in order to thoroughly advance the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Reference was made by some to the New Agenda Coalition (NAC) working paper submitted to the ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2015/WP.9) titled “Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons”, which aims at addressing the so-called “legal gap”, with respect to the implementation of Article VI.

19. From the perspective of some nuclear weapon States, the state of play between the first legal approach, suggested by the New Agenda Coalition working paper, and the Treaty on the Non-Proliferation of Nuclear Weapons should be given some attention. A legal instrument would be needed to fill the “legal gap” in order to maintain a world free from nuclear weapons, though this instrument would not be in itself a means of getting to such a world, but described by some nuclear weapon States as an end-goal. With respect to a ban, it was noted by some delegations that it is unlikely that nuclear weapon States as well as non-NPT States possessing nuclear weapons would join a ban- treaty. It was also noted by these delegations that only NPT non-nuclear weapon States could be expected to join a ban-treaty; and that one or more of them deciding not to do so would seriously damage the Treaty on the Non-Proliferation of Nuclear Weapons.

20. Some delegations emphasized that, like what has been the case with other weapons of mass destruction, nuclear weapons should first be banned and then destroyed. Reference was made by some to the necessity to stigmatize nuclear weapons with the aim of progressively de-legitimizing them.

21. Different interpretations were presented for Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. It was asserted by a delegation that, none of the negotiating parties of the Treaty on the Non-Proliferation of Nuclear Weapons in the Eighteen Nation Committee on Disarmament established an understanding that Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons meant the complete elimination of nuclear weapons. It was also highlighted by some that the terminological-related aspects of nuclear disarmament are still underdeveloped, whereas some terminologies are interchangeably used to define nuclear disarmament like “complete elimination of nuclear weapons”, “world without nuclear weapons”, or “world free form nuclear weapons”, which was deemed by a number of delegations unacceptable for fora that deals with sensitive security-related matters like the Conference on Disarmament.

22. It was also stated by nuclear weapon States that they had already implemented most of their commitments under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. It was suggested in this regard that nuclear disarmament, from this perspective, should come within “a treaty on general and complete disarmament”, and not before the conclusion of this treaty, adding that a review of Article VI might be necessary in light of its different interpretations.

23. From the perspective of non-nuclear weapon States, Article VI is clear, does not require any review, and contains an obligation on nuclear weapon States to achieve nuclear disarmament. Some delegations noted that the International Court of Justice in its advisory opinion on the question concerning the “legality of the threat or use of nuclear weapons” had unanimously concluded that: “there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”.

24. It has also been emphasized by some that some Conference on Disarmament members are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons and that the focus should be directed towards negotiating a universal, non-discriminatory and comprehensive convention on nuclear weapons in the Conference on Disarmament.

25. In conclusion, it can be noted that work in the Conference on Disarmament can not be detached from the current global strategic context. If some delegations believe that the current situation might drive the world to a new wave of arms race taking us back to the peak of the Cold War era, then the whole international community should have a definite stand at which the current status of international relations is carefully looked into, analysed, and reversed to a direction where better international understanding and resolve to peacefully end conflicts and sustain undiminished security for all would be the consensus norms of the future.

26. From a technical point of view, this year's discussions were also very useful in setting the stage for a better understanding of the different positions of the Conference on Disarmament member States in a more detailed manner and with vivid interaction among them on many of the technical, institutional and legal aspects of nuclear disarmament.

27. Nevertheless, the discussions reflected a deep divergence in the views of the Conference on Disarmament member States on different aspects of nuclear disarmament. This divergence is further aggravated by the fact that disagreement was evident on some of the fundamental issues like the interpretation of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. Reference to the *travaux préparatoires* forty-five years after the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons is but an indicator of the tight situation international disarmament machinery is encountering right now. Needless to say, holding these discussions directly after the failure of the ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to agree on an outcome document was the reason behind the extensive and thorough discussions on the treaty at the Conference on Disarmament.

28. It is the Coordinator's opinion that the deadlock of the Conference on Disarmament has undermined its role, which is still indispensable to the whole of the international community. It is unreasonable, however, to believe that this situation is sustainable. After almost twenty years of very rich, yet informal substantive discussions within the Conference on Disarmament, time has come to adopt a consensus balanced and comprehensive programme of work and to make use of the findings of these informal discussions. This would prevent a process of progressive demise of the Conference on Disarmament; something all member States of the Conference on Disarmament and the whole of the international community should be responsible for.

## Annex II

### **Report on the informal meetings of the Conference on Disarmament on agenda items 1 and 2 with a general focus on the ban of the production of fissile materials for nuclear weapons and other explosive devices held on 2 and 9 July 2015**

1. According to the decision CD/2021 of the Conference on Disarmament a series of informal open-ended meetings were held on agenda items 1 and 2 with a general focus on the ban of the production of fissile materials for nuclear weapons and other explosive devices on 2 and 9 July in Geneva.
2. The meetings were coordinated by Mr. Michael Biontino, Ambassador and Permanent Representative of Germany to the Conference on Disarmament.
3. The discussion followed the structure as proposed by the Coordinator in his letter of 17 June 2015. In the following the main discussion points of the meetings will be summarized. This report, according to CD/2021, is presented in the personal capacity of the Coordinator.

#### **I. Objectives of a treaty and scope**

4. There was general consensus that a treaty should establish a legally binding, non-discriminatory, multilateral and effectively verifiable ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.
5. Many delegations noted that there is an interrelationship between the scope, definitions, and verification regime of a possible treaty.
6. The point was made by some that the scope of a future treaty should be defined previous to formal negotiations; many States noted that the scope of the treaty will be determined through the negotiation process. The point was made that the scope defines the legal footprint of the treaty and the debate thereon should not be limited to a discussion on the inclusion/exclusion of stocks.

#### **Objectives of a treaty**

7. Different objectives of the treaty were mentioned: some delegations suggested that a ban, along with the verification provisions of the treaty, could contribute to future disarmament efforts, not least as future reductions of nuclear weapons could build upon a freeze of the production of fissile material for prohibited purposes.
8. Some delegations suggested that a treaty only banning future production merely serves non-proliferation objectives. The point was made that such a treaty would nevertheless create significant non-proliferation benefits.
9. Some other delegations suggested that a treaty should/would significantly contribute to both disarmament and non-proliferation. The point was made that Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and the goal enshrined therein would be reinforced by the treaty. Some delegations stated that the inclusion of existing fissile material stocks in the treaty is key and prerequisite to both of the above-mentioned aspirations.

10. To many delegations agreement on these objectives was not seen as necessary prior to the commencement of negotiations.
11. Some delegations see a treaty as part of a step-by-step approach or a building block approach towards nuclear disarmament.
12. The point was made that a treaty should provide increased and undiminished security of all States.
13. The point was made that negotiations on a treaty should be embedded in a wider approach towards nuclear disarmament.

#### **Requirements in general for a credible and feasible treaty**

14. There was general consensus that the principle of irreversibility should be a cornerstone of a treaty.
15. There was general consensus that the treaty should have a multilateral character.
16. There was general consensus that the treaty needs to be verifiable in order to be credible.
17. There was general agreement on the principle of non-discrimination, and consequently the treaty should apply equally to nuclear weapon States and non-nuclear weapon States including equal obligations to all. Some States made the point that the treaty, despite being non-discriminatory, might have a different impact on States depending on their capabilities and status.
18. Moreover, for some States a future treaty should complement existing regimes in the area of nuclear disarmament. The point was made that the existing imbalances in the nuclear non-proliferation and disarmament regime should be levelled out.
19. The suggestion was made that a treaty, excluding existing stocks from its scope, could be negotiated between nuclear weapon States, since non-nuclear weapon States under the Treaty on the Non-Proliferation of Nuclear Weapons already have accepted legally binding commitments not to produce fissile material for nuclear weapons and other nuclear explosive devices.
20. For some States the international security context is an important factor in the discussions on a treaty and should therefore be taken into account. Specifically the regional stability and the concrete security environment needs for some States to be taken into account.

#### **How to deal with fissile material produced after entry into force of the treaty**

21. Many delegations argued that a treaty should be formulated in terms of prohibited as opposed to permitted activities.
22. There was general agreement that a treaty must not hinder the peaceful and civilian use and development of nuclear energy, but the diversion of material designated from this purpose will need to be prohibited.
23. There was general agreement that a treaty must not hinder the use of fissile material for non-proscribed purposes, such as for naval propulsion and similar activities, but the diversion of material designated from this purpose will need to be prohibited.

#### **How to deal with existing stocks**

24. Some States mentioned multiple sub-categories within the general term of “existing stocks”, and introduced various definitions such as the definitions contained in a detailed



table in the working paper by Pakistan. Other States noted that these sub-categories remain problematic, as there is no consensus on their definition.

25. For some States the different views on the inclusion/exclusion of stocks do not constitute an impediment to the start of negotiations.

26. The point was made that accountancy of all past production would not fall in the purview of a treaty banning the production of fissile materials for nuclear weapons and other explosive devices but should be covered by another treaty with other objectives such as arms control. Moreover, such high expectations could block the commencement of negotiations.

## **II. Consecutive discussion of the issues of treaty definitions, verification and legal and institutional arrangements**

27. In general, States see a strong inter-linkage between the treaty definitions, verification, and legal and institutional arrangements. The point was made that these areas are not only technically relevant, but have also political and legal implications.

### **Treaty definitions**

28. One delegation provided an overview of the discussions held within the Governmental Group of Experts on treaty definitions.

29. In general, delegations see a strong interrelationship between the use of broad or narrow definitions, the verifiability of the treaty, and to costs of the verification regime resulting from these decisions.

30. In the discussions, a number of States gave preference to a specific definition of “fissile material”, which should be embraced in the treaty; some States prefer the safeguards concept of special fissionable material of the International Atomic Energy Agency, as outlined in Article XX of its Statute, to be used as treaty definition for fissile material, while others preferred to use the safeguards concept of un-irradiated direct use material of the International Atomic Energy Agency as treaty definition. The point was made that a treaty specific definition of weapons grade material could also be used. A specific isotopic composition, to be determined during negotiations based on the scope and verification requirements of the treaty, was also brought up.

31. Some States also mentioned the inclusion of neptunium and americium in the treaty. Others found this excessive, due to the lack of actual and practical use of these materials.

32. The need to be able to accommodate future developments and technological changes was identified by some delegations.

33. As far as the production of fissile material is concerned, some States favored a treaty definition encompassing enrichment and reprocessing activities. Others underlined the benefits of a broader definition including activities upstream of enrichment and reprocessing. Some would define production as an activity at an early stage of the fuel cycle before the enrichment and reprocessing of the material.

34. The question of how to define “fissile material production facilities” was raised, as well as the need to define operational status, and scale of the facilities. States expressed diverging views on these issues. Many States preferred a definition containing only enrichment and reprocessing facilities that produce at least a minimum-quantity of fissile material in order to make verification processes viable and cost-effective. Other States stressed the necessity to include small-scale and closed-down facilities in order to eliminate possible loopholes. Some States preferred the whole fuel-cycle to be covered by the treaty.

The point was made that downstream facilities (such as storage) should also be taken into consideration, especially in order to prevent the diversion of this material.

### **Treaty verification**

35. Several options for verification were discussed, and some States expressed a preference for a focused approach concentrating on enrichment and reprocessing facilities and downstream facilities processing or handling fissile material. Other States preferred a comprehensive approach covering the entire nuclear fuel cycle. A hybrid approach concentrating on critical elements of the nuclear fuel cycle was also mentioned.

36. The development of a verification toolbox was addressed. Many States mentioned the need to make use of the relevant existing methods and tools of multilateral or bilateral forums, most notably the International Atomic Energy Agency, but also of the Organization for the Prohibition of Chemical Weapons and the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and the Treaty on the Non-Proliferation of Nuclear Weapons. Moreover, INFCIRC/153/Corr. of the International Atomic Energy Agency and the work of The International Partnership for Nuclear Disarmament Verification were also mentioned as a suitable basis for the development of a verification toolbox. Others noted the need for a treaty specific toolbox, and stressed the specific requirements and challenges of the new verification system.

37. Delegations mentioned that costs need to be considered by avoiding duplication of structures, and unnecessary spending.

38. Some States mentioned security concerns regarding the diversion of sensitive or commercial information through the verification regime.

39. Some States noted that appropriate declaration of fissile material should be provided for, depending on the negotiated treaty scope and the treaty definitions and/or could be provided on a voluntary basis. The point was made that such initial declarations could also serve as a starting point for verification once the treaty enters into force.

40. Delegations have differing definitions of excess or undeclared material. Some States mentioned the need for verification of these materials. Others pointed out that in all nuclear cycles some amounts of materials exist, in between the different stages of the nuclear cycle, which are difficult to define. The point was made that technical solutions to this issue were already practiced by the International Atomic Energy Agency.

41. The need for a comprehensive accounting of the fissile materials production was noted by some delegations. The point was made that national programmes significantly differ in their structure (as for example whether there is a clear division of production of fissile material for military and civilian purposes) which could have implications to the accounting, declaration and verification of the materials.

### **Legal and institutional aspects**

42. Some States noted that the treaty body could either have a simple structure with only a conference of States parties as its sole organ, or a more complex structure, which would include the establishment of a secretariat to oversee/monitor the implementation of the treaty. A tripartite structure with a secretariat, an executive council and a governing body (such as a conference of State parties) was also mentioned. It was noted that a decision on the structure of the treaty is dependent on the objectives and scope of the treaty.

43. Some States mentioned that the International Atomic Energy Agency could serve as the treaty organization or host the secretariat of the treaty. The point was made that differences in membership to the International Atomic Energy Agency and the treaty might

lead to complications, and should therefore be avoided. Other States were in favor of an independent and exclusive treaty organization to host the secretariat.

44. The point was made that the International Atomic Energy Agency should provide the treaty secretariat with relevant information, making the International Atomic Energy Agency complementary to the treaty body and by doing so avoiding duplication of efforts.

45. The question on who is best placed to carry out the required verification was touched upon. Some States mentioned the International Atomic Energy Agency as the best suited institution for these duties. Others prefer a self-contained treaty organization.

46. The point was made that cases of non-compliance should be referred to the United Nations General Assembly, instead of the United Nations Security Council, because, as some delegations noted, the Security Council would be unsuitable to deal with cases of non-compliance by Permanent Members of the Security Council.

47. The argument was made that States parties to the treaty should have the right to withdraw from the treaty on the basis of national security concerns. The point was made that withdrawal could be similar to provisions of Article X of the Treaty on the Non-Proliferation of Nuclear Weapons. Moreover, the point was made that in this context, the role of the United Nations Security Council should be decided upon.

48. The point was made that two models for the entry into force of the treaty exist: a quantitative approach (based on a simple unqualified number of States who need to ratify the treaty) or a qualitative approach (based on the ratification by States with particular feature of relevance to the treaty). Some delegations mentioned the possibility of a mixed model. References were made to the challenges that have arisen from the entry into force models employed for the Comprehensive Nuclear-Test-Ban Treaty and the Convention on Cluster Munitions.

49. Some delegations stated a preference to an indefinite or unlimited duration of the treaty. The point was made that this question is related to the objective of the treaty. Others argued that the treaty should have a limited duration, with the possibility to extend its duration upon review.

50. Some delegations suggested that the Secretary-General of the United Nations should be the depository of the treaty. The point was made that the Group of Governmental Experts indicated to the possibility of a small number of major stakeholders to be the depositories of the treaty.

51. The point was made by some States that costs arising from the treaty could be divided in two categories such as institutional costs and verification costs. The funds for the latter would be provided by the States affected by verification activities. The question was raised if the treaty should be funded by a model of assessed contributions such as the United Nations assessment scale or on a voluntary basis.

52. Some delegations mentioned that amendments to the treaty should be made by consensus.

### **III. How to take forward discussions**

53. Many delegations noted that the time is ripe for the commencement of negotiations.

54. The Shannon report and the mandate contained therein were interpreted in different ways as far as inclusion of stocks is concerned. For many States the Shannon report and the mandate contained therein continue to provide a basis for negotiations. On the other hand, the point was made that the Shannon report and the mandate contained therein are outdated

and do not provide an acceptable basis for negotiation, therefore a different mandate should be considered.

55. Some delegations mentioned that discussions on the treaty are neither a bilateral nor a regional issue but affects the international community as a whole.

56. There was general agreement that the Conference on Disarmament would be the appropriate forum for negotiations of a treaty and therefore negotiations on a treaty should be included in the “Programme of work” of the Conference on Disarmament. The point was made that in the absence of negotiations, discussions and other arrangements within the Conference on Disarmament should continue on this topic. Furthermore, the point was made that such intensive discussions short of formal negotiations could contribute to a future negotiation process as experienced during the negotiations of the Chemical Weapons Convention. The point was also made that if the Conference on Disarmament is blocked other fora/settings could be considered for the negotiations.

57. There was general agreement that the informal discussions (within the schedule of activities) were very fruitful and should be preserved and built upon.

58. The delegation of Pakistan submitted a working paper (CD/2036) outlining its views on a fissile material treaty (FMT) and its various elements. The working paper also included a detailed proposal for dealing with the past production of fissile material in a manner that captured the existing stocks under the treaty’s verification regime. The working paper elicited a debate especially on the issue of stocks during which Pakistan sought to provide additional clarifications on its proposal.

59. Many delegations noted the report of the Group of Governmental Experts (GGE) on elements of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices which was submitted as a working paper (CD/2023). They welcomed the in-depth and technical nature of the work of the Group of Governmental Experts and indicated that the report could serve as an important reference tool for the Conference on Disarmament, enriching the Conference’s discussion on a treaty.

60. Delegations who had taken part in the Group of Governmental Experts (GGE) noted the detailed and technical nature of the discussions and the important role it had played in allowing them not only to better understand elements of a treaty but also the positions of others. Some delegations indicated that their national positions had been adapted and expanded as a result of the GGE’s work and brought these positions forward during the Conference on Disarmament discussions.

61. Others indicated that while the GGE highlighted divergence of views on issues such as definitions, scope and verification, this was in fact a positive step as it helped uncover where further efforts needed to be concentrated in our efforts to bridge the divide.

62. A few delegations indicated that they did not support or agree with the work of the Group of Governmental Experts and its report. They questioned the value of the report and suggested that the discussions of the Conference on Disarmament could achieve the same results as the Group of Governmental Experts. The point was made that the composition of the Group of Governmental Experts did not reflect the views of all relevant stakeholders.

63. France introduced a draft for a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT) as an official document of the Conference on Disarmament on 9 April 2015 (document CD/2020). This draft was presented as a concrete contribution and as a way to enable more in-depth discussions, with a view to preparing future negotiations on a legally-binding international instrument. This draft was submitted as a working paper to the informal discussions.

64. The issuance of working papers during the discussions was warmly welcomed and recommended to foster the discussions in the future.

65. All participants agreed they would welcome further in-depth and technical expert discussions in the context of future work in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

66. In order to have such discussions in the future, it was noted that more time needs to be consecrated to this matter at the Conference on Disarmament. The timely planning of such discussions was noted to allow delegations to make necessary arrangements.

## **Conclusions**

67. In general, the informal open-ended meetings on the ban of the production of fissile materials for nuclear weapons and other explosive devices showed a high degree of inter-activeness. States participated vividly in the discussions on a future treaty.

68. This allowed for, in particular, enhanced clarity on positions of States.

69. In general, there was widespread consensus that the discussions in the Conference on Disarmament on the issue had attained the degree of maturity necessary for the beginning of treaty negotiations. Many delegations expressed their satisfaction concerning the nature of the debate of being exceptionally frank and fruitful.

## Annex III

### **Report of the Coordinator on the informal meetings on agenda item 3 “prevention of an arms race in outer space” held on 13 and 20 August 2015.**

#### **Submitted by Mr. Matthew Rowland, Ambassador and Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Conference on Disarmament**

1. While continuing to seek the path towards renewed negotiations, and following on from discussions in 2014, the Conference on Disarmament decided by its decision CD/2021 to hold a series of structured and substantive discussions on the four core agenda items contained in document CD/2008.
2. The informal open-ended meetings on agenda item 3 “the prevention of an arms race in outer space (PAROS)” took place on Thursday 13 and Thursday 20 August 2015. These discussions built upon the discussions of last year as reported in CD/1995 and the views expressed subsequently, including in CD/1996.
3. As co-ordinator I distributed a letter on 5 August 2015 highlighting the following topics to guide discussions:
  - (a) Developments in the last 12 months.
  - (b) Prevention. What is needed to prevent an arms race in outer space? What does such prevention comprise of?
  - (c) Military aggression in space. What constitutes a hostile act in space? Should certain activities be prohibited?
  - (d) Definitions. What definitions would be needed in any agreement? How should a space weapon be defined? Should the deliberate or intentional creation of space debris be classed as a weapon?
  - (e) Charter of the United Nations. How does the Charter of the United Nations and particularly Article 51 apply in space?
  - (f) Verification. How would peaceful acts/accidents be distinguishable from intentional acts? What would a verification regime look like? Who should implement such a regime?
  - (g) Compliance. What should be a States’ response to a situation where one country initiates the placement of weapons in space? How could such a situation be resolved and not escalate tension?
  - (h) Joint work. How should States prepare for the joint First and Fourth Committee meeting to be held on 22 October as called for in resolution 69/38 of the General Assembly of the United Nations? What is the added value of such a meeting? How can it advance progress in implementation of voluntary, non-legally binding transparency and confidence-building measures to enhance stability in outer space? How can it help the Conference on Disarmament?
4. As dependence on space-based assets to collect and transmit information has increased, so has the need for those assets to remain safe and secure. This was a theme in

the discussions in 2014 and a point most states made during their opening remarks this year.

5. Many states focused on sustainability issues in space, in particular the threat posed by growing amount of space debris, with some stating that addressing such debris was increasingly urgent and should be the priority of the international community. They made reference in this regard to the European Union-initiated International Code of Conduct for Outer Space activities, a set of non-legally binding principles for responsible behaviour in space.

6. Others focused on 'hard' security, relating to the use of force by one space object against another or by a space-based weapon against terrestrial targets. This reflected concerns about advances in space technology including, but not limited to, their potential to disrupt strategic stability by undermining the deterrent effect of existing nuclear forces.

7. Those focused on hard security issues noted the draft treaty proposed by the Russian Federation and China which would constitute a legally binding approach to the prevention of the placement of weapons in space. This had been discussed previously in the Conference on Disarmament under the agenda item "prevention of an arms race in outer space" and was, it was argued, a pre-emptive approach to preventing such an arms race.

8. The draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects was the topic of much discussion.

9. Some argued that there was little prospect of negotiations on PAROS beginning on the basis of the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects. The international community would need to define first what constitutes a weapon in space. And the draft contained no verification clause, reflecting the fact that the technology for verification in space did not exist.

10. Others argued that these hurdles were not insurmountable. Definitions could be agreed as part of the negotiating process. A verification protocol could be added following the treaty's entry into force, perhaps when the necessary technology existed or became economically feasible. Making reference to other treaties, some suggested verification was not essential, though others questioned how a treaty without a verification mechanism and which prohibits the deployment of certain weapons yet permits their development and testing could contribute to a stable security environment.

11. Some considered that the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects represented a basis for further debate, and it was suggested that any instrument to prevent an arms race in outer space would need to be more extensive in its coverage.

12. Some noted that attacks originating from the earth on space objects were not considered in the draft treaty. Nor were terrestrial anti-satellite weapons explicitly addressed. This seemed to be an omission given that such weapons already had a demonstrated potential to damage space objects and in so doing add to the debris problem. Others suggested that anti-satellite weapons were needed as an insurance against others putting weapons in space in the absence of all states accepting legal obligations in this regard. The anti-satellite weapons capabilities of ballistic missile defence programmes were raised as a complicating factor.

13. Delegations were encouraged to consider what constituted military aggression in space. It was suggested such aggression was (a) damage inflicted to space objects controlled by other States and/or clear verbal expression of the intention to commit such act or (b) aggression against land-sea-air targets with weapons deployed from outer space, though it was also observed that at present military aggression in space would most likely

originate from terrestrially-based weapons. Some suggested the concept was broad and would require delimitation for the purposes of an international instrument. The view was expressed that attacks against space assets from earth, attacks towards earth from space assets and attacks confined to outer space should all be specifically addressed all needed to be addressed in a comprehensive treaty.

14. Delegations were also encouraged to consider the application of the Charter of the United Nations in space and in particular Article 51 concerning the right of self defence. In this regard, some highlighted the lack of a shared understanding of what constituted territorial integrity or an armed attack in space. Some took the view that, just as on earth, there would necessarily be constraints on the exercise of the right of self defence in space. Some expressed concern about the reference to Article 51 in the European Union-initiated International Code of Conduct for Outer Space activities and a view was expressed that Article 2.4 and Article 51 of the Charter of the United Nations should be referenced together, being the rule and the exception to the rule respectively.

#### **Delegations exchanged views on next steps**

15. The commitments in the outcome document of the first special session of the General Assembly devoted to disarmament regarding the taking of further measures and the holding of appropriate international negotiations to prevent an arms race in outer space, in accordance with the 1967 Outer Space Treaty were noted. The need for the adherence of additional States to existing legal instruments and improved implementation of those instruments was raised by some. References were made to resolutions 69/31 "Prevention of an arms race in outer space", 69/32 "No first placement of weapons in Outer Space" and 69/38 "Transparency and confidence-building measures in outer space activities" of the General Assembly of the United Nations.

16. Some delegations drew attention to the call in resolution 69/32 of the General Assembly of the United Nations for States to consider the possibility of upholding as appropriate a political commitment not to place weapons in outer space, believing it an important measure in the absence of negotiations on legally binding instruments in this regard.

17. Reference was also made to A/68/189, the report of the Group of Governmental Experts on Transparency and Confidence building Measures in Outer Space Activities. The European Union-initiated International Code of Conduct for Outer Space activities was seen as contributing to the body of transparency and confidence building measures in outer space and as a means of implementing the recommendations of the Group of Governmental Experts. For some, such voluntary measures would usefully complement the existing international legal framework and build trust and transparency which could help avoid an arms race in outer space.

18. In his presentation, an official from the United Nations Office for Outer Space Affairs noted that the Committee on the Peaceful Uses of Outer Space has considered how it could contribute to the implementation of the Group of Governmental Experts' recommendations. Some suggested that the Conference on Disarmament should undertake a similar exercise.

19. Some States considered that voluntary measures could not be a substitute for a legally binding agreement. Those supporting negotiation of a legally binding treaty noted the normative role it could play in protecting space as a global good, in particular by clarifying norms related to the use or threat of use of force in space, though it was questioned whether a treaty without a meaningful compliance mechanism had any more value than a political commitment in this regard.



20. While for some States the priority was negotiation of the European Union-initiated International Code of Conduct for Outer Space activities, and others it was the negotiation of a treaty preventing an arms race in outer space, many States saw the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects and the European Union-initiated International Code of Conduct for Outer Space activities as complementary and there was a sense amongst some that negotiation of the European Union-initiated International Code of Conduct for Outer Space activities would pave the way to negotiation of the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects.

21. Various views were expressed on the venue for negotiation of the European Union-initiated International Code of Conduct for Outer Space activities: in the Committee on the Peaceful Uses of Outer Space, at the Conference on Disarmament, in neither body but under a United Nations umbrella, or in some other format. Some said the European Union-initiated International Code of Conduct for Outer Space activities should be limited to exclusively peaceful uses, others that this was precluded by the dual-use nature of space technology but that the European Union-initiated International Code of Conduct for Outer Space activities should not be viewed as an arms control/disarmament instrument.

22. States would have the opportunity to return to many of these issues at the joint meeting of the First and Fourth Committees of the General Assembly of the United Nations on 22 October 2015.

23. Delegations felt that there was value in such in-depth structured discussions among member States.

## Annex IV

### **Report of the Coordinator on the informal meetings of the Conference on Disarmament on agenda item 4, entitled “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons” held on 27 August 2015**

#### **Submitted by Mr. Ravinatha P. Aryasinha, Ambassador and Permanent Representative of Sri Lanka to the Conference on Disarmament**

1. Pursuant to decision CD/2021 of the Conference on Disarmament adopted at its plenary of 5 June 2015, the informal open-ended meeting on agenda item 4, “effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons” was held on 27 August 2015 in Geneva.
2. The meeting was coordinated by Mr. Ravinatha P. Aryasinha, Ambassador and Permanent Representative of Sri Lanka to the Conference on Disarmament. In order to facilitate the proceedings, the Coordinator provided a work plan in his letter of 18 August 2015 proposing elements for the discussion, without prejudice to any other matters which the delegations wished to raise.
3. In developing this work plan, careful consideration was given to the reports of the previous Coordinators on this subject [including Annex IV of CD/1827 (2007), Annex IV of CD/1846 (2008), Annex IV of CD/1877 (2009), Annex IV of CD/1899 (2010), Annex IV of CD/1918 (2011), Annex IV of CD/1995 (2014)]. Additionally, at the request of the Coordinator, the Secretariat of the Conference on Disarmament circulated a “non-paper”, outlining the previous work carried out by the Conference on Disarmament since 2006. Altogether, these documents provided useful background material for the discussion which was appreciated by the delegates.
4. In his opening remarks, the Coordinator pointed out that the concept of negative security assurances (NSAs) is premised on the primacy of the security of people, which could provide confidence to States that are not in possession of nuclear weapons that their survival and security will not be jeopardized by those which possess them. Noting that there is no agreement on complete ban of nuclear weapons in our reach, the Coordinator stated that it is the responsibility of the Conference on Disarmament to deliberate on possible other measures, such as the Negative Security Assurances, and therefore encouraged delegations to engage constructively. The Coordinator also pointed out the intrinsic link between disarmament and development, as acknowledged in the final document of the SSOD-I, hence noted the need to integrate the post-2015 Development Agenda context into the discussion. Following the opening remarks by the Coordinator, the Secretariat made a presentation on the previous work of the Conference on Disarmament since 2006 on this subject.
5. The first session of the meeting provided an opportunity for a general exchange of views, as well as for an analysis of the existing security assurances, and as to how universality of security assurances could be achieved under the existing frameworks. Delegations also had discussions on the challenges and opportunities that prevail in commencing international negotiations on a universal agreement on the negative security

assurances. Attention was also given in identifying possible elements of an international instrument on the negative security assurances and to exchange views on how to move forward on the subject. Given the current developments with regard to the Post-2015 Development Agenda in the United Nations General Assembly, the Coordinator also proposed to focus on how the negative security assurances could help in reinforcing the interconnectedness between peace, security and the development agenda.

6. During the meeting, both nuclear possessing States, as well as non-nuclear weapon States participated actively and shared their viewpoints on the above aspects, in an open dialogue.

## **Main elements of the substantive discussion**

7. The meeting once again re-iterated the importance of the issue of the negative security assurances in the overall context of nuclear disarmament and non-proliferation efforts. The existing divergent views were also re-emphasised during the debate. Some countries responded to the Coordinator's proposed work plan within their general remarks, while others brought in their views under each topic. For the purpose of easy reference, this report reflects remarks under different topics, to the extent possible, in an objective manner.

### **General exchange of views and overview of existing security assurances**

8. Many delegations stated that the only absolute guarantee for negative security assurances is the total elimination of nuclear weapons and noted that, the objective of achieving negative security assurances is therefore not an end itself, but a transient measure, pending the total elimination of nuclear weapons.

9. One nuclear weapon possessing State said that ineffective and insufficient response from the international community might compel non-nuclear weapon States to develop a nuclear deterrence.

10. Delegations also expressed disappointment over the Conference on Disarmament not being able to adopt a comprehensive programme of work, and to initiate substantive discussions, including on agenda item 4: negative security assurances.

11. Nuclear-weapon States acknowledged the importance of the security assurances for the non-nuclear States and re-iterated their positions on the subject. They indicated that the unilateral pledges made in Security Council resolution 984 (1995), the commitments undertaken through the Nuclear-Weapon-Free Zones (NWFZ), and the assurances given in their respective national security doctrines together provides sufficient guarantee for non-nuclear weapon States who are party to and in full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons obligations.

12. Many non-nuclear weapon States, and one nuclear-weapon State which has given unconditional commitment on negative security assurances were however of the view that the existing assurances are not satisfactory given their non-legal binding nature, lack of universality, openness for free interpretations, and the varying qualifiers associated with them. They further re-iterated the longstanding call for a universal, unconditional, irrevocable, legally binding instrument on negative security assurances.

13. Some nuclear-weapon States pointed out that they would consider the use of nuclear weapons only under extreme circumstances, purely to defend the vital interests of the country, its allies and partners. Abstracting from the national doctrine, one nuclear-weapon State explained that such reservations placed on the security assurances should be viewed within the overall circumstances, and that those reservations are important to avert any aggression from other States.

14. Extensive discussions also took place on the issue of Nuclear-Weapon-Free Zones (NWFZ), where many delegations welcomed the establishment of NWFZ. However, it was stressed that such regional arrangements should not be a substitute to a universal and legally binding international instrument on negative security assurances. Nuclear – weapon States also expressed their support to the establishment of NWFZs, and elaborated on their commitments made so far, including through the signing of the protocols of such NWFZs, whereby assurances have been granted for more than 100 States belonging to these regions. They further added that those commitments made under NWFZs are legally binding guarantees.

15. On the question of lack of uniformity among different NWFZs, one delegation pointed out that the treaties and protocols of NWFZs reflect the specific regional characters, and hence cannot be expected to be uniform.

16. Several delegations, including some of the nuclear-weapon States expressed their support on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction.

17. It was pointed out that through the Security Council resolutions 255 (1968), 984 (1995); the consensus final document of SSOD-I and by accepting NSA as an agenda Item in the Conference on Disarmament, the nuclear- weapon States have already acknowledged their “global” obligations to negative security assurances. However, one delegation expressed the view that attempting to limit the Negative Security Assurances only to NWFZs would narrow down this “global” obligations into a “regional” dimension. The same delegation noted that given that there are no other new proposals for NWFZs, except for the one on Middle East, the issue of universalisation of the negative security assurances only through NWFZs has now been exhausted.

18. Some delegations from the nuclear-weapon States noted that, negative security assurance is one of the benefits that the non-nuclear-weapon States can derive by being a party to the Treaty on the Non-Proliferation of Nuclear Weapons. However, another delegation made the point that negative security assurances should not be linked with any specific existing treaty, and such that there is no relationship between the negative security assurances and the Treaty on the Non-Proliferation of Nuclear Weapons, as the latter does not include provisions on negative security assurances. The same delegation further supported this argument by quoting from the paper presented by Mr. Jozef Goldblat on “Ban on use – a prerequisite for nuclear disarmament” at a previous informal meeting on the Negative Security Assurances at the Conference on Disarmament, which is enclosed in the Coordinator’s report CD/1899 of 2010. Nevertheless, the positive impact that the negative security assurance could play in the maintenance and strengthening of the international non-proliferation regime was acknowledged.

#### **Challenges and opportunities on commencing international negotiations on a universal agreement on the negative security assurances**

19. A number of delegations, including some of the nuclear weapon States, recognized the Conference on Disarmament as the forum with the required mandate and the potential to carry forward work on the issue of security assurances.

20. Delegations noted that the non-nuclear weapon states that belong to regions where establishment of NWFZs is extremely problematic due to the existence of nuclear weapons in the particular region, should not be denied their entitlement to receive legally binding negative security assurances. However, the point was made that the issue of verifiability of a treaty should not be taken as a hindrance to commence negotiations on a treaty on negative security assurances.

21. Delegations noted that the discussions on the “humanitarian consequences of nuclear weapons” renewed the attention on the danger posed by the nuclear weapons on the survival of mankind, and thus generated momentum for increased restraints on use of such weapons. In this context, a point was also made that advocating for the humanitarian causes of nuclear weapons, while simultaneously relying on the protection coming from nuclear umbrella, are mutually exclusive.

22. The point was also made that extended nuclear deterrence, and the positive security assurances granted through such arrangements require the protector State to maintain a credible arsenal which might pose a hindrance on the progress towards nuclear disarmament.

23. Referring to the conditionality that security assurances are only granted to those non-nuclear weapon States, who are “in compliance with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons”, a question was raised regarding the mechanisms that are available in the Treaty on the Non-Proliferation of Nuclear Weapons, to review such “compliance”, and whether it would be by means of the Treaty on the Non-Proliferation of Nuclear Weapons itself; decision by the Board of Governors of the International Atomic Energy Agency; Security Council; International Court of Justice; or purely through national decisions. It was however contended that such conditionality is acceptable, given that “non-compliance” would mean that such a State could be a “potential nuclear threat”.

24. A nuclear-weapon State noted that, given that the international security dynamics are constantly changing, they have the right to review the assurances provided, and that such review would be conditioned on the threat, development or proliferation of Weapons of Mass Destruction (WMD) which can pose a threat comparable to that of a nuclear weapon. The delegation also suggested that, in their view, nuclear weapons can be used in a manner that it complies with the international humanitarian law, including the principle of proportionality, and hence the need for a legally binding Negative Security Assurances has become less pressing.

25. One delegation however, pointed out that readjusting the policies on negative security assurances based on the national security doctrines of countries pose challenges in progressing on the negative security assurances, and re-iterated their call for an agreed multilateral framework that would bring together all States possessing nuclear weapons, to discuss measures relating to reducing the role of nuclear weapons in security doctrines and policies.

#### **Main elements of a possible international instrument on the negative security assurances**

26. It was noted that a legally binding instrument would not represent a technical challenge, and it would necessarily be a simple and concise treaty. Another delegation noted that such an instrument should be clear, credible, non-discriminatory and without any ambiguity, and should respond to the concerns of all parties.

27. On the scope of a future treaty, one delegation noted that it should cover both use and threat of use, and should be universal, legally binding, unconditional and irrevocable, subjected to any specific derogations agreed within the treaty. On the potential beneficiaries, it was stated that it should be provided to all non-nuclear weapon States by all States possessing nuclear weapons, however certain conditions such as alliance with nuclear-weapon States may need to be built into the future treaty. In terms of legal obligations, the delegation pointed out that the treaty should contain a pledge on not using or threatening to use nuclear weapons by all States possessing nuclear weapons. On the question of verification, it was pointed out that a mechanism could be built through the

treaty itself to address the issue of non-compliance or it can be referred to the General Assembly. The same delegation further noted that given the composition of nuclear weapons States, the Security Council may not be the choice in this regard.

### **The way forward**

28. Some delegations noted that legally binding negative security assurances constitute the most urgent and most feasible item in the agenda of the Conference on Disarmament.

29. One delegation suggested that the Conference on Disarmament could consider aggregating in a matrix all the existing negative security assurances and try to identify a list of common elements stipulated in them, which can be considered as the least common denominator in the negotiations of a future multilateral treaty.

30. Support was expressed by delegations for the establishment of a subsidiary body within the Conference to negotiate an effective international arrangement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons as part of a comprehensive and balanced programme of work in the Conference on Disarmament.

31. On the question of “How the negative security assurances can reinforce the interconnectedness between peace and security and the development agenda”, posed by the Coordinator in his work plan, delegations noted that disarmament and development has an intrinsic relationship as recognized in the final consensus document of the SSOD-I and relevant resolutions of the General Assembly of the United Nations. In view of the post-2015 Development Agenda, which will be adopted by the world leaders at the high-level meetings to be held in New York during the 70<sup>th</sup> session of the General Assembly of the United Nations, delegations acknowledged that negative security assurances would enable States to alleviate the insecurities with regard to nuclear weapons, and divert the scarce resources spent on military expenditure to development activities, which in turn could contribute to the implementation of the development agenda.

### **Conclusions and recommendations of the Coordinator**

32. The Coordinator is of the view that the open discussions which allowed States to exchange their candid views provided further opportunity to understand each other's concerns and positions. The Coordinator believes that the points made during the sessions, as outlined above, can form a useful basis for any future initiatives on this agenda item in the Conference on Disarmament.

33. However, it is noted that on most aspects of the issue, many national positions remained unchanged, and that a few ideas have emerged anew on other aspects. Lack of flexibility in policies and positions is a continuing challenge, and if not addressed with a sense of urgency and sensitivity, could be a serious impediment for any international efforts on negative security assurances, particularly in the Conference on Disarmament.

34. Given the intrinsic link the negative security assurances has with the other agenda items of the Conference on Disarmament, continued deliberations on the issue of negative security assurances as one of the priorities of Conference will be beneficial to both nuclear possessing States as well as to the non-nuclear weapon States.

35. It is noted that genuine and active engagement from all members would enable the Conference to bridge the variance in views and to look into areas where there are emerging commonalities. Hence, another round of informal exchange could be helpful. The Coordinator wishes to recommend that the Conference should at the same time be mindful not to limit the engagement only to an exchange of views in an informal manner, but should move into action oriented steps.

36. In this regard, the Coordinator also noted that there was no objection from any delegation present, to the proposal on the establishment of a subsidiary body within the Conference on Disarmament to further deliberate on this subject. However, before proceeding to implement this proposal, it is suggested that action be taken to get the endorsement of the Conference at its future meeting. To facilitate this process, it would be beneficial to invite experts in the field of the negative security assurances, for future meetings, in order to share some new insights which could facilitate realizing the objectives of the negative security assurances.

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