

---

# Conference on Disarmament

7 September 2011  
English  
Original: English/French

---

## **Letter dated 1 September 2011 from the President of the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the reports of the five Coordinators submitted to the President of the Conference on the work done during the 2011 session on agenda items 1 to 7**

In March 2011, the Conference on Disarmament agreed upon a schedule of informal meetings on its seven substantive agenda items and the nomination of the chairs/coordinators, which are contained in document CD/WP.565/Rev.1 (CD/1907).

According to CD/WP.565/Rev.1 (CD/1907), the informal meetings on agenda items 1 and 2 were chaired and coordinated by Sri Lanka (first 2 meetings) and Italy (last 2 meetings), on agenda item 3 by Brazil; on agenda item 4 by Senegal, and on agenda items 5, 6 and 7 by Belarus.

In my capacity as President of the Conference and on behalf of all six Presidents, I would like to express through you, Mr. Secretary-General, my sincere gratitude to all the five coordinators for the important work done under their professional guidance. The five coordinators' reports attached to this letter in annexes I to V reflect serious debates and inputs which should enrich future discussions as relevant references for the work of the Conference.

Consequently, I would be grateful if this letter, together with its five annexed documents could be issued as an official document of the Conference on Disarmament and distributed to the delegations of all member States of the Conference and non-member States participating in its work.

*(Signed)* Rodolfo **Reyes Rodríguez**  
Ambassador  
President of the Conference on Disarmament

## Annex I

### **Text of the oral report of the Coordinator to the President of the Conference on Disarmament on the informal meetings on agenda items 1 and 2, with a general focus on nuclear disarmament**

**Submitted by Ms. Kshenuka Senewiratne, Ambassador and Permanent Representative of Sri Lanka**

1. Pursuant to Decisions CD/WP.566/Rev1 and CD/1907, informal debates were held on items 1 (Cessation of the nuclear arms race and nuclear disarmament) and 2 (Prevention of Nuclear War, including all matters related thereto) of the agenda of the Conference on Disarmament, with a general focus on nuclear disarmament. The session devoted to this theme took place on 29 March 2010.
2. In accordance with CD/1907, the chair/coordinator is required to report orally, in his/her personal capacity, on the discussions of the agenda items to the CD President, who will finalize the reports and transmit them through a letter to the Conference. The following constitutes my oral report.
3. At the outset I would like to note that this report is based on past work done on this issue in the Conference on Disarmament. Furthermore since several participants referred to their interventions made in the thematic debate on this issue that took place on 1 February 2010 it is suggested that this report should be read in conjunction with the ad verbatim records of the above-mentioned meeting of the conference on disarmament.
4. At the session of the informal debates on items 1 and 2 of the agenda of the Conference on Disarmament, with a general focus on nuclear disarmament, I stressed the following points in my introductory remarks:
  - (a) The progress made in the field of disarmament bilaterally, regionally and multilaterally;
  - (b) The overall consensus amongst members of the importance of nuclear disarmament and the importance stressed by several groups and members of the Conference on Disarmament of the negotiation of a legally binding instrument;
  - (c) The link of each of the substantive agenda items of the Conference on Disarmament with the ultimate objective of Nuclear Disarmament.
5. On this basis, and in the interest of advancing our discussions I proposed an indicative guideline for discussion on which the delegations were invited to express their views:
  - (a) General comments on nuclear disarmament;
  - (b) General comments on nuclear disarmament in a future program of work;
  - (c) Focused comments on how best to advance the topic of nuclear disarmament in the CD.
6. The aim was to stimulate the debate on the key issue of nuclear disarmament while building on common understandings and attempt to identify a way to move forward in achieving the objective of Nuclear Disarmament.

**General comments on nuclear disarmament**

7. The debate under this item focused on the question how to best address the issue of nuclear disarmament and whether a legal framework was needed. It reflected the large variety of positions and proposals that exist among delegations and groups of delegations with regard to Nuclear Disarmament.

8. A number of measures to be taken to reduce nuclear danger while pursuing the goal of nuclear disarmament were mentioned, including reduction of nuclear dangers arising from accidental or unauthorized use of nuclear weapons, increasing restraints on the use of nuclear weapons, de-alerting of nuclear weapons, reduction of importance of nuclear weapons in military doctrines and in military alliances. Moreover, the priority for negotiations on nuclear disarmament was affirmed by the international community at the UNGA First Special Session on Disarmament (SSOD-I).

9. Several delegations mentioned the importance of appropriate conditions to achieve the goal of nuclear weapons free world. Transparency, mutual confidence, trust, dialogue and reinforcement of non-proliferation regimes were mentioned in this regard.

10. Several states recalled the importance of the final document of the Eighth Review Conference of the Non Proliferation Treaty and the action plan contained therein while reiterating their preference for an approach based on a framework of agreements whose components are mutually reinforcing. In this regard it was said that the action plan is a road map. Some referenced to the special responsibility of the Nuclear Weapon States in implementing the action plan and a call was made for transparency in efforts made in this regard. Some Nuclear Weapon States stated their willingness to pursue this action plan.

11. Other states stressed the relevance of a first step in the form of a commitment, preferably a binding legal commitment, through an international instrument, to eliminate nuclear weapons within a time bound framework, including on the basis of a Nuclear Weapon Convention, banning the production, development, stockpiling and use of nuclear weapons and to provide for their complete elimination within a specified timeframe.

12. Reference was made to previous efforts relating to nuclear disarmament initiatives including the Rajiv Gandhi Action, documents CD/1899, CD/1816, CD/1571 and the Hoover Plan.

13. Concerns were expressed regarding the absence of progress in nuclear disarmament and the continuing modernization and development of nuclear weapons. Delegations recalled article 6 of the NPT under which nuclear weapon states have an international legal obligation to pursue nuclear disarmament.

14. Calls were made to revisit the doctrines based on deterrence and the granting of nuclear umbrellas and on the stationing of nuclear warheads in non-nuclear weapon states. One delegation called for the abandonment of development of missile defense systems. On the latter some Nuclear Weapon States said that a mechanism would be jointly developed by the relevant nuclear weapon states.

15. Other issues raised as relating to nuclear disarmament were the Nuclear Weapon Free Zone in the Middle East and Negative Security Assurances.

**General comments on nuclear disarmament in a future program of work**

16. Several states reiterated that disarmament is the priority for the Conference on Disarmament and negotiations on a binding multilateral instrument banning nuclear weapons should be pursued without delay. Several delegations supported the establishment of an ad hoc committee on this issue. Some specified to have this body in the framework of an agreed, comprehensive and balanced programme of work. Another view was expressed

to revive the Ad Hoc Group of Scientific Experts to discuss the issue of nuclear disarmament.

17. Several states recalled the final document of the Eighth Review Conference of the Non Proliferation Treaty and more specifically to the various measures taken relevant to the Program of Work of the Conference on Disarmament. Reference was also made to CD/1864 and relevant UN general assembly resolutions.

**Focused comments on how best to advance the topic of nuclear disarmament in the CD**

18. Delegations valued the discussions held so far on this issue but indicated they constituted no substitute for negotiations.

19. It was said that previous reductions in nuclear warheads had been made through bilateral or unilateral efforts due to certain strategic contexts. One delegation focused on the importance of the regional context in relation to nuclear disarmament. Other views expressed stated that the causality of the regional context with the issue of nuclear disarmament was not proven and that the global perspective remained the most relevant.

20. The importance of the CTBT, in conjunction with an FMCT, for the objective of nuclear disarmament was noted. One delegation stated that the issue of stocks in an FMCT would constitute a significant difference in this regard and queried the position of the nuclear weapon states vis-à-vis the issue of stocks in an FMCT.

21. It was noted that due to its composition the Conference on Disarmament can play a vital role in achieving nuclear disarmament in the 21<sup>st</sup> century. Delegations expressed disappointment that the Conference on Disarmament could not establish a body with a negotiating mandate on nuclear disarmament. Further work thereto was suggested.

22. In conclusion I wish to state that the meeting witnessed a fruitful exchange of views and that the discussion, while giving an opportunity to delegations to reiterate their national positions and priorities, contributed towards the further understanding of positions.

## Annex II

### **Report on the Informal Meetings of the Conference on Disarmament with a General Focus on FMCT (Geneva, 17 and 18 May 2011)**

**Submitted by Mr. Giovanni Manfredi, Ambassador and Permanent Representative of Italy to the Conference on Disarmament**

Geneva, May 13, 2011

As you know, the Conference on Disarmament decided, at the plenary meeting of March 29, 2011, to appoint me co-ordinator of the informal sessions concerning “(agenda items 1, 2) with a general focus on FMCT”. The meetings in question will take place on Tuesday afternoon May 17 and Wednesday morning May 18, 2011 (cfr. Doc CD/1907 of 29 March 2011). I wish to thank the President of the Conference, H.E. Ambassador Wang Qun, for his initiative in this regard.

I thought it useful to write beforehand to all Permanent Representatives and Heads of Delegation at the Conference on Disarmament to share a few thoughts in this regard. To begin with, especially as we are dealing with informal sessions of the Conference, the full application of the rule providing for complete freedom of delegations in the contents of their statements is not put into question. I believe this to be essential in ensuring the widest possible effective participation by all CD members at the informal sessions.

However, I am also convinced that it is in our collective interest to carry forward the work of the Conference, as it appears in the agenda we adopted last January. Our shared commitment in this regard was amply reiterated during the several CD sessions that took place since the start of the year.

In this respect, as the added value of further general discussions appears quite limited, we could more productively devote the limited time at our disposal to two specific aspects of the treaty. Without in any way trying to announce an agenda for our informal sessions, I would suggest that one topic could be FMCT’s structure. Whether it should or should not be, for example, a framework treaty with attached protocols on the major issues. We may also address questions such as the choices we have as to the mechanisms for its entry into force; the advantages and disadvantages of a date of expiry; whether or not to provide for its renewal and for permanent organisms to supervise its implementation, and so forth. The whole area offers rich opportunities for constructive debate in matters not yet really addressed by the Conference on Disarmament. The other area where we could usefully undertake further in-depth discussions and analysis is definitions. There are essentially two reasons for this. In the first place, if the treaty is to address the question of fissile materials, it stands to reason that we must, to start with, clearly determine what they are for the purposes of the treaty.

Furthermore, any serious discussion of the technicalities inherent in the definition of fissile materials inevitably entails also addressing issues such as verification, production and stockpiling that constitute the core of any FMCT. Therefore, a substantive debate on definitions would represent a potentially important contribution to further progress on the topic of FMCT by the Conference on Disarmament.

A substantial bibliography already exists of recent CD documents on these questions. For example, Documents CD/1906 of 14 March 2011, CD/1899 (annex II) of 14 September 2010, CD/1895 and 1896 both of 14 September 2010, CD/1888 of 14 June 2010, and CD/1878 of 15 December 2010, come to mind. If our informal discussions could

avail themselves of members' working papers as well as past deliberations by the Conference, building on possible solutions that appear to emerge in reading these reports, surely our informal sessions will have usefully contributed in furthering the Conference's substantive work for this year.

*(Signed)* Giovanni **Manfredi**

## Report

### Introduction

1. Pursuant to the decisions of the Conference on Disarmament as contained in document n. CD/1907, two informal sessions took place on May 17 and 18, 2011, on items 1 and 2 of the Agenda with a general focus on FMCT.
2. In light of the outcomes of preceding discussions on this topic and in order to both avoid repetitions and to ensure the greatest degree of factuality to the debate, the discussions were focused on two specific aspects of FMCT, namely: structure and definitions.
3. To facilitate the debate and to allow delegations to better prepare their statements, the Coordinator sent on May 13, 2011, the attached letter illustrating his suggestions on how the two sessions could be conducted and listing the principal Conference documents that could serve as background material.
4. The Coordinator stressed, however, that delegations were free to deal with any relevant topic as provided in the Rules of Procedure. In the event, the meeting of 17 May was mainly dedicated to the question of the structure of an FMCT, while the one on 18 May was focused on definitions. However, several delegations also gave general statements on the aims and role of FMCT within the broader context of nuclear disarmament.
5. The presence of experts from capitals represented an added value to the work and allowed the two meetings to examine also in greater detail specific legal and technical aspects of the Treaty.

### General aspects

6. Numerous references were made during both sessions to the “Shannon Report” and to the “Shannon Mandate” contained therein (document n. CD/1299 of 24 March 1995), whose continued validity was not put into question. The principles that an FMCT should be non-discriminatory, multilateral and effectively and internationally verifiable, in particular, were reaffirmed. Several delegations expressed the opinion that the Shannon Mandate allows negotiations on all pertinent aspects of the Treaty.

### Structure

7. In discussing FMCT’s structure, various possible solutions were examined and their respective advantages and disadvantages identified. From a legal point of view, international treaties may be divided into two general types:
  - (a) Treaties with a single text (for example, NPT, CWC);
  - (b) Treaties with a main text accompanied by attached protocols, annexes or addenda. In this type of treaty the main text and its attachments may be negotiated in parallel and have a single entry into force mechanism (for example, CTBT), or the main text and its attachments may be negotiated separately and contain different entry into force provisions (for example, CCW).
8. In this regard, frequent reference was made to a Brazilian proposal (document n. CD/1888 of 14 June 2010, cited in the above-mentioned Coordinator’s letter), that provided for a framework treaty with scope, definitions and final clauses, accompanied by two protocols. One of them would concern the ban on the production of fissile materials for nuclear weapons and the other the rules governing existing fissile materials. Both protocols would also contain the relevant appropriate verification provisions. A structure of this kind

allows the adoption of a gradual approach by facilitating negotiations on the less controversial elements with a view to progress in later stages to the more difficult ones. A solution of this sort, however, may also present two potential problems. In the first place, by postponing negotiations on the more controversial issues one risks being confronted later by a deadlock on one or both protocols. The other drawback in this approach is that it may produce an excessively weak FMCT, especially if accession to both protocols is not mandatory and could be done separately.

9. An FMCT modelled on the BWC was also deemed unsuitable by most delegations as it would be lacking verification provisions.

10. Delegations also examined the NPT solution, namely a concise main text with a system of verifications subsequently agreed upon based on the IAEA comprehensive safeguards and additional protocols. Many delegations, however, pointed out that while negotiations on the central treaty would be facilitated, reaching an understanding on verifications and implementation provisions at a later date would be much more uncertain, to the possible detriment of the Treaty's credibility and effectiveness.

11. The CWC model (a very detailed text containing also the necessary annexes on materials, verifications and other technical questions) was considered to have the advantage of entry into force in its entirety, but the disadvantage of foreseeable lengthy and complicated negotiations.

12. Finally, the CCW solution (a framework treaty with additional protocols negotiated at a later date) was not considered to be appropriate for FMCT by most delegations.

13. No objections were made during the discussions to the proposal that an FMCT should have no date of expiry.

14. Considerable attention was devoted during the debate to entry into force provisions that were considered key elements in the Treaty's effectiveness, allowing it to contribute to a credible halt in worldwide production of fissile material for nuclear weapons. The CTBT precedent, as a potential basis of reference, was considered flawed. Many delegations believed that a new solution was therefore necessary, one that could involve from the start of negotiations all NWS and States possessing nuclear weapons, avoiding — however — the adoption of clauses that would allow one country or a small minority of them to stall for an indefinite period the entry into force of the Treaty. Others believed, instead, that negotiations could begin with the participation of the P-5.

### **Definitions**

15. In discussing definitions, the scope of FMCT emerged as one of its principal and defining factors. There was general agreement that the Treaty is meant to ban the production of fissile material for nuclear weapons, safeguarding — however — the right to use such material for peaceful purposes. Consequently, definitions should take into account all materials used to this end. Some delegations pointed out that they should not be excessively limited and so rigid as to be unable account for technological development. Neither, however, should they be so wide as to include materials whose use for non-peaceful purposes is largely improbable, but whose inclusion in the Treaty would increase the relevant verification costs to an unacceptable degree. Delegations also considered desirable that the Treaty contain provisions to simplify the modification of definitions in line with technological progress.

16. The discussions on the topic of definitions also brought out the requirement to carefully study the need to include transuranium elements, such as americium and neptunium that seem to be to an increasing degree suitable for weaponization. More

importantly, definitions should be gauged in relation to the verification system provided for in the Treaty.

17. Several delegations further held that within the scope of the clauses on definitions, provision must also be made for the permitted uses of fissile materials in order to avoid that FMCT interfere with the unalienable right of countries to exploit nuclear resources both for peaceful ends and for military uses, such as nuclear propulsion, that are not directly linked with the manufacture of warheads and other weapons.

18. Given that the primary purpose of FMCT will be the banning of production of fissile materials for the manufacture of nuclear weapons, negotiations on the Treaty, as most delegates pointed out, will inevitably also touch upon fissile materials already in existence before the Treaty's entry into force. In this regard, at least three options are available:

- (a) Consider existing stocks simply for the purpose of transparency;
- (b) Partially apply to them verification measures;
- (c) Provide for the control and gradual reduction of stocks as one of the paths to effective nuclear disarmament.

19. The debate brought out the widely held opinion that the implementation of verification mechanisms, and possibly even their definition, could be entrusted to IAEA, with the understanding that its human and financial resources would have to be appropriately strengthened. Several delegations underlined the need that verifications be also aimed at manufacturing plants. In a more general sense, careful attention should be devoted to the effectiveness of the verification provisions to avoid undermining the credibility of the whole Treaty. To this end, and also with the aim of assessing the Treaty's overall feasibility, the effectiveness of verification must also include a cost/benefit analysis of the whole system.

20. Taking into account the above-mentioned requirements, most delegations were of the opinion that definitions and verifications should be inspired as much as possible either on art. XX of the IAEA Statute, or on the principles of "direct use" contained therein, as well as on its comprehensive safeguards system. Very likely, also, adjustments would have to be made to take into account FMCT's specificities.

## Conclusions

21. The two informal sessions of the Conference on Disarmament devoted to FMCT, of course, had no negotiating mandate and neither were any hard and fast conclusions expected of them. However, from the trends of the discussions, a few indications on delegations' preferences on the various issues seemed to stand out that in the future may be useful in facilitating negotiations.

22. In the first place, it was generally accepted that an FMCT should have no date of expiry. It was also recognized that the Shannon Report and Mandate continued to represent a valid basis for the start of negotiations.

23. The question of stockpiles was addressed in depth on various occasions during the informal meetings, confirming the opinion that, should negotiations begin, it would constitute one of their most contentious issues. As in the past, some delegations insisted that the FMCT should limit itself to banning future production of fissile materials, while others reiterated the need to add at least a minimum of provisions regarding present stocks. In spite of this difference, however, it was also generally understood that the question would inevitably surface during negotiations, and that the Shannon Mandate — as it stood — allowed this.

24. Discussions on the structure of the Treaty were lengthy and detailed. In general, preference was expressed to avoid the pitfalls inherent in the CCW model, as well as those of the CTBT concerning its entry into force provisions. No delegation objected to the need for the Treaty to contain provisions allowing for the prompt and flexible revision of its more technical clauses (definitions and verification) in line with scientific and technological advances. These clauses could be contained in an annex to the Treaty, forming an integral part of it, negotiated in parallel with the central text.

25. Considerable attention was also devoted to the topic of definitions and verifications. In general, the usefulness of basing definitions on IAEA criteria and verifications on its comprehensive safeguards system was recognized. Preoccupations were, however, voiced on the extra burdens to the Agency's budget that this would entail. Hence, there exists a clear need to provide FMCT with financial assessment clauses if we are to conclude a feasible and credible Treaty, able to contribute both to non-proliferation and to nuclear disarmament.

## Annex III

### **Report on informal meeting on Agenda item 3: Prevention of an arms race in outer space (PAROS)**

**Presented by Mr. Luiz Filipe de Macedo Soares, Ambassador and Permanent Representative of Brazil to the Conference on Disarmament**

1. In accordance with document CD/1907 (WP 565/Rev.1), adopted by the Plenary of the Conference on Disarmament on March 29th 2011, an informal meeting was scheduled in order to discuss Agenda item 3 "Prevention of an arms race in outer space" – PAROS. The meeting was held on March 31st and was coordinated by the Permanent Representative of Brazil to the Conference on Disarmament, Ambassador Luiz Filipe de Macedo Soares.
2. Interventions were made by the delegations of Russia, China, Brazil, Belarus, India, Algeria, USA, Iran, Australia, Syria, Chile, Ireland, Egypt, Republic of Korea, Germany, France and Pakistan.
3. The Coordinator offered a short document with key background topics on the issue. It highlighted the Ad-Hoc Committee on PAROS established by the CD, which met from 1985 to 1994, and mentioned recent proposals for a Program of Work of the CD which contained paragraphs on the establishment of Working Groups on Agenda Item 3. The document also reminded participants of a draft legal instrument on PAROS (CD 1839) and of Resolution A/RES/65/68 which created a GGE on Confidence Building Measures to meet in 2012. Finally, the background paper referred to other international institutions related to outer space, such as ITU and COPUOS.
4. Many delegations highlighted the growing global dependence on space technologies and the importance of keeping outer space safe for peaceful activities. They referred to the increase of space debris, to the growing possibility of satellite collisions, as well as to the development of space-related weapon technology that threatens outer space security. Delegations expressed that outer space should be used solely for peaceful purposes and for the benefit of all countries and should not become an arena for competitive strategic policies. Some referred to outer space as a common heritage of humankind. Most member States believe that the placement of weapons in outer space could deepen global insecurity, affecting all countries.
5. There was a general recognition that current international instruments are not sufficient to prevent an arms race in outer space. Many delegations believe that a specific international legal instrument is needed to strengthen or complement existing regimes. Some interventions commented on the need to adopt a preventive approach for avoiding an arms race in outer space.
6. Member States pointed out that, since there are different organizations regulating the use of outer space, there should be compatibility among instruments and coordination between the Conference on Disarmament and other bodies, such as the Committee on the Peaceful Uses of Outer Space (COPUOS), the International Telecommunications Union (ITU) and the United Nations General Assembly. There should be cooperation and exchange of information among these bodies on each other's activities on the subject.
7. The experience and solid political and legal basis of the CD in considering the issue of an arms race in outer space was highlighted. Many CD member States believe that PAROS is a topic to be naturally considered by that body since it is an issue within its thematic competence. Most delegations reiterated their support for a Program of Work of the CD which would initiate negotiations or substantive discussions on PAROS.

8. The great majority of member States supported the establishment of a Working group on PAROS within the CD. There was no consensus, however, on the nature or the mandate for the Working Group. Some member States defended that it should carry out substantive discussions on the issue, others supported that it starts negotiations of a legally-binding instrument on PAROS.

9. Many delegations expressed that the proposal of a draft treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT, based on document CD/1839) constitutes a good basis for negotiation and should be further analyzed in the Working Group. It was mentioned that the PPWT offers an initial framework to develop definition, scope and verification for a legally-binding text. However, the means to verify the compliance of such a treaty were questioned by some member States, which do not consider the draft a good basis for negotiation.

10. Many interventions supported recent progress in transparency and confidence-building, such as the EU draft Code of Conduct for outer space activities. Most delegations emphasized that such measures cannot substitute a legally-binding instrument. The majority acknowledged that confidence building measures and a legally-binding instrument are not mutually exclusive. Others pointed out that TCBMs do not replace verification but may function as a start towards a step-by-step approach on preventing the weaponization of outer space. Some participants believe TCBMs should be discussed only within the Group of Governmental Experts (GGE) created by UNGA Resolution A/RES/65/68, or within COPUOS.

11. The debate was a reflection of the wealth of ideas on the issue and that PAROS is a concern for all delegations. There were varying views on the measures to be taken to address the matter. Many expressed hope that informal debates may contribute to the formulation of a Program of Work that includes a discussion on PAROS, preferably with the establishment of a subsidiary body. The coordinator suggested that such a working work group should decide on whether to negotiate or have just substantive discussions. The group should determine if negotiations would start on the basis of existing proposals or not.

## Annex IV

### **Short summary on negative security assurances (NSA), from the Senegalese Coordination**

**Submitted by Mr. Fodé Seck, Ambassador and Permanent Representative of Senegal**

Geneva, 16 May 2011

In accordance with the decision taken on 29 March 2011, I have the honour of coordinating informal meetings on item 4 of the agenda, entitled “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, also known as negative security assurances.

I should like to express my gratitude to the President of the Conference, Mr. Wang Qun, for taking this initiative and entrusting me with this task.

This discussion not only follows up on the work done under the presidencies of Canada and Chile, but also on the efforts made in previous years, including under the coordination of Ambassador Hannan of Bangladesh, in 2010, and my predecessor, Ambassador Mbaye.

The idea behind this thematic discussion is essentially to collect proposals on specific aspects of negotiating a possible legal instrument on security assurances with a view to preparing the future work of the Conference on this agenda item.

By way of introduction, I should mention that the non-nuclear-weapons States’ demand for assurances against the use or threat of use of nuclear weapons against them has been the subject of several United Nations Security Council resolutions.

It has been noted on numerous occasions that statements by nuclear-weapon States that they would not use or threaten to use nuclear weapons against non-nuclear-weapon States are insufficient, given that the statements are unilateral, conditional and revocable.

In the same way, some delegations have maintained that the assurances given in nuclear-weapon-free zones are insufficient, conditional and geographically limited. Nevertheless, it has been affirmed that the creation of such zones in Africa, South-East Asia, Central Asia and South America and Mongolia’s nuclear-weapon-free status have constituted steps forward.

Furthermore, it has been argued that granting negative security assurances would constitute a quid pro quo for States that renounced nuclear weapons and would help to combat proliferation. In that connection, it has been affirmed that granting legally binding assurances to non-nuclear-weapon States would be a confidence-building measure and a step towards the implementation by nuclear-weapon States of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, relating to nuclear disarmament.

In addition, the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and that it is the legitimate interest of non-nuclear-weapon States to receive unequivocal and legally binding security assurances from nuclear-weapon States so as to strengthen the nuclear non-proliferation regime.

The Conference also recalled United Nations Security Council resolution 984 (1995), noting the unilateral statements by each of the nuclear-weapon States, in which they gave conditional or unconditional security assurances against the use and the threat of use

of nuclear weapons to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the relevant protocols established pursuant to nuclear-weapon-free zones, recognizing that treaty-based security assurances are available to such zones.

Without prejudice to efforts within the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference resolved that:

- Action 7: All States agreed that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to hold discussions substantively, without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument. The Review Conference invited the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.
- Action 8: All nuclear-weapon States committed to fully respect their existing commitments with regard to security assurances. Those nuclear-weapon States that had not yet done so were encouraged to extend security assurances to non-nuclear-weapon States parties to the Treaty.
- Action 9: The establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, was encouraged. All concerned States were encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols, and to constructively consult and cooperate to bring about the entry into force of the relevant legally binding protocols of all such nuclear-weapon-free zones treaties, which included negative security assurances. The concerned States were encouraged to review any related reservations.
- Past discussions have revealed just how complex negative security assurances are. Several topics remain subjects of debate when it comes to which steps to take to find a solution to that delicate problem. For example, there has been no consensus on the framework in which negotiations over a possible treaty on such assurances might be conducted.
- Therefore, I believe that the Conference should continue its consideration of the issue of negative security assurances under its agenda by giving it the priority and attention that such an important issue requires. Assurances are important not only in themselves, but also because of the obvious links that exist between them and other items on the agenda.
- Progress on negative security assurances could, I believe, ensure further progress on other matters included among the essential items currently under the Conference's consideration.
- Lastly, I should like to inform you that a compilation of documents relating to this agenda item is available on the United Nations website, under the symbol CD/INF.51.

*(Signed)* Fodé **Seck**

### **Short summary from on negative security assurances (NSA), from the Senegalese Coordination**

1. At the suggestion of the representative of China, the President of the Conference on Disarmament, Senegal coordinated discussion of item 4 of the agenda for informal discussions in the Conference, entitled “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”, or “negative security assurances”.

2. The contributions that followed the meeting’s opening statement, a copy of which is annexed, underscored:

(a) The need for non-nuclear-weapon States to obtain more certain and credible guarantees from the nuclear powers, as existing ones were considered insufficient;

(b) The urgent need to begin negotiations with a view to adopting a legally binding treaty for negative security assurances.

## Annex V

### **Report to the President of the Conference on Disarmament on the outcome of informal discussion the 2011 session on CD Agenda items 5 “New types of weapons of mass destruction and new systems of such weapons; radiological weapons”, 6 “Comprehensive programme of disarmament” and 7 “Transparency in armaments”**

**Submitted by Mr. Mikhail Khvostov, Ambassador and Permanent Representative of Belarus**

1. I have been appointed as coordinator for Agenda items 5, 6 and 7. According to schedule, contained in the CD/1907 the informal meeting on these three CD Agenda items took place on 25 May 2011.

2. While preparing to these meetings I took into account experience from 2010 when I chaired the discussion on informal meetings on Agenda item 5. I also took note of the important work done in 2010 under the professional guidance of Ambassador Desra Percaya of Indonesia as coordinator for Agenda item 6 and Ambassador Hannu Himanen of Finland as coordinators for Agenda item 7. To recall the delegations on substance of informal discussions on the mentioned Agenda items I distributed the extras from CD/1899, containing the transcripts of oral reports by the coordinators on Agenda item 5, 6 and 7.

3. To facilitate the delegations in preparation to the debates I asked UNIDIR to share with the CD delegations the recent papers on the three mentioned CD Agenda items within the research project “Conference on Disarmament: Breaking the Ice”. The mentioned UNIDIR resources are available at the following links:

<http://www.unidir.org/pdf/activites/pdf4-act611.pdf>.

<http://www.unidir.org/pdf/activites/pdf3-act611.pdf>.

<http://www.unidir.org/pdf/activites/pdf5-act611.pdf>.

4. For the purpose of stimulation the debated I proposed the following plan for the meeting, containing bullets general for all three agenda items:

(a) Update or validation of the positions of delegations from 2010 CD informal meetings and from two thematic CD plenary meetings of 17 February 2011 and 17 March 2011;

(b) Relevance of Agenda items 5, 6 and 7 for the CD and assessment of the added value of their discussion;

(c) Agenda items 5, 6 and 7 as they are reflected in the latest versions of the CD Programme of Work (appointment of the Special Coordinator to seek the views of its members on the most appropriate way to deal with the issue);

(d) Are there any fresh ideas or tendencies in the disarmament agenda to be discussed under Agenda item 5, 6 and 7;

(e) How the processes, decisions and deliberations in other international forums can contribute to the discussion on the agenda item 5, 6 and 7 in the Conference;

(f) Specific recommendations with regard to possible way forward on these items.

5. Delegations made use of the proposed plan and undertook deliberations of more general character. In certain cases the positions of delegations from two thematic CD plenary meetings of 17 February 2011 and 17 March 2011 have been validated.

6. Some delegations referred to relevance of items 5, 6 and 7 and importance to keep the opportunity open for the discussion in the CD on new tendencies in the disarmament agenda. The importance to ensure convergence between the CD discussion on these three items and relative processes on other forums has been underlined. Some other delegations suggested that the items were outdated and having modest relevance for the CD in comparison to the developments in other international forums and processes.

7. In the course of the discussion on Agenda item 5 “New types of weapons of mass destruction and new systems of such weapons; radiological weapons” the delegations made use of the opportunity to update and validate their positions and touched upon the following specific issues:

- (a) Necessity to review periodically the utilization of growth of technology in development of new weapons of mass destruction (WMD);
- (b) Possible legal approaches for prohibition of new types of weapons of mass destruction;
- (c) Concrete types of weapons, having the same serious and indiscriminate effects as of the already prohibited WMD;
- (d) Radiological Weapons Ban;
- (e) So-called “dirty bomb” threat and radiological terrorism;
- (f) UN General Assembly resolutions calling the CD to keep the issue under active consideration.

8. In the course of the discussion on Agenda item 6 “Comprehensive programme of disarmament” the delegations made use of the opportunity to update and validate their positions and touched upon the following specific issues:

- (a) Role and responsibility of the United Nations in the sphere of disarmament;
- (b) Charter of the United Nations, and the Final Document of the First Special Session of the UN General Assembly on Disarmament in 1978 (SSOD I) as a guidance to elaborate Comprehensive programme of disarmament;
- (c) Principle of “undiminished” security and its applicability in reduction of the conventional armaments and in the context of WMD;
- (d) Relationship between disarmament and development.

9. In the course of the discussion on Agenda item 7 “Transparency in armaments” the delegations made use of the opportunity to update and validate their positions and touched upon the following specific issues:

- (a) Confidence-building potential of transparency in armaments;
- (b) Supporting role of transparency in armaments in disarmament and arms control negotiations;
- (c) United Nations Register and possible ways of modification of its scope;
- (d) Unilateral transparency measures concerning nuclear arsenals and other WMD;
- (e) Regional aspects of transparency;

(f) Norm banning the transfers of weapons to terrorists.

10. The Coordinator did not submit any specific recommendations with regard to any possible way forward on the items under discussions, and no delegation endeavoured to propose any specific recommendations during the course of the informal meeting. However these items are seen to Coordinator as having continued significance for the CD substantive agenda, and the Conference should continue to work on this item.

---