

Conference on Disarmament

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Summary of consultations during Australia's Presidency

Submitted by the Permanent Mission of Australia

The following is a summary of consultations held during Australia's Conference on Disarmament (CD) Presidency — without attribution. It does not reflect Australia's views. It is not exhaustive as we were not able to speak with every delegation. We spoke to more than 40 CD members and observers.

Australia's CD Presidency was part of the **P6+2 approach**. CD delegates told us over the time that we ran our consultations that they welcomed strengthened P6+2 coordination this year. The objective is continuity, better governance and transparency so CD members can get the most out of their significant investments in this body.

Over the period of our Presidency, we invited CD delegates to share their views about **the priorities and role of the CD, ways to break the deadlock, and to be more effective**.

Many colleagues thought the CD should consider the **implications of COVID-19 for our work**. These span from practical logistics, to how can technology better support our work, to broader questions about trust, risk reduction, and the role of experts.

Views on the P6 package for 2020

During our Presidency, we asked the Secretariat to provide all delegations with the three versions of the package put forward by the P6 this year, as a resource for future presidencies.

Delegations told us:

- The packages were the right approach under the circumstances – a good attempt to balance diverging views, there was regret that consensus was not reached; some saw it as a missed opportunity
- Most had been ready to join consensus and show flexibility, despite perceived shortfalls
- Some preferred structured discussion on agenda items this year, but were nevertheless ready to join consensus; others wanted subsidiary bodies
- Some said that a Program of Work should match CD principles as a body created to negotiate legally binding instruments
- The inclusion of a process on the improved and effective functioning of the Conference was seen as valuable, and was not new for the CD; but some were cautious and concerned it could be a distraction.

There was no consensus on the question of whether the CD's Program of Work should include a negotiation mandate. A plain reading of the Rules of Procedure does not



require this — but some felt strongly that the CD's program of work should reflect its negotiation mandate.

What are the security/arms control issues most important to your country that you think CD negotiations could help manage?

- The **CD agenda** could do with a shake-up. It does not reflect contemporary or emerging threats, including biological and cyber.
- The **four core items** continue to capture fundamental international security challenges — especially nuclear disarmament.
- **1.** Many thought progress on **nuclear disarmament** was inadequate and were concerned about worsening geopolitical tensions.
- In this context, any good faith engagement was welcome, however small - to re-establish trust and a climate of constructive dialogue.
- Many saw nuclear disarmament as the CD's *raison d'être* and would like to see a dedicated quasi-permanent subsidiary body.
- Implementation of the **Nuclear Non-Proliferation Treaty** was important for States Parties. Some thought a CD discussion before the Non-Proliferation Treaty (NPT) Review Conference (RevCon) would be useful, particularly when avenues for dialogue were reduced due to COVID-19.
- Several initiatives on nuclear disarmament outside the CD, including the Stockholm Initiative, the Eminent Persons Group, and Creating an Environment for Nuclear Disarmament could usefully be brought into the CD for consideration.
- **2.** Several CD members thought negotiation of a **Fissile Material Cut-off Treaty (FMCT)** is a logical step for the CD — with a lot of preparatory work already done.
- But there was frustration over the chances of starting negotiations due to differences over scope and objective, and national security considerations. The view was also expressed that it was a treaty whose time had passed. Some feel strongly that negotiations should be on the basis of CD1299 and the mandate contained therein — others were less fixed on mandate and saw Shannon as sufficiently flexible to not impinge on any delegation's core security concerns.
- **3.** There was interest in substantive discussions on **nuclear risk reduction**, including through examining the United Nations Institute for Disarmament Research's work and an expectation that the NPT RevCon may also provide guidance to the CD on future work on risk reduction.
- **4.** Reducing threats and risks in **outer space** was becoming more important to delegations. There was a desire to find ways to address security issues to, from, and in space to deal with constantly evolving threats;
- **5. Negative security assurances (NSAs)** were raised. While very important for some, particularly in the context of the Middle East, there were few specifics on how the CD might address NSAs. Some said a legally binding instrument was premature but fleshing out positions could be helpful.

What would you like the CD to negotiate over the next 5 to 10 years and how would you build consensus on negotiations?

CD members were clear on what they want the CD to negotiate. These include for some a comprehensive Nuclear Weapons Convention, an FMCT or Fissile Material Treaty, measures to address outer space security — from modest to more ambitious, and an instrument on NSAs. The most important issues were those connected to strategic stability.

The challenge for most delegations was **how to build consensus on negotiations**. This meant understanding others' positions, looking for common ground, showing flexibility and having the political will to accept compromise.

Some thought that even though negotiation of legally binding instruments seemed out of reach for now, the **ground-work** was still required. Agreeing to establish subsidiary bodies to advance preparatory work and have meaningful conversations would be a positive step, as the 2018 precedent showed.

The CD could also concentrate on **softer instruments** like codes of conduct or action plans – as provided for by its rules of procedure (rule 23).

This would expand the range of options for making concrete progress on disarmament in the CD with benefits for international security, and greater trust and confidence.

Several delegations expressed a desire to keep the focus on substantive work, build on work already done and treat all issues in a balanced manner and build further trust in the process.

The CD could work from the ground-up rather than top-down - focusing on aspects or sub-aspects of larger issues, possibly paving the way to more ambition. This could include nuclear risk reduction, nuclear disarmament verification, and transparency regarding military activities in space.

For **fissile material** negotiations, we needed to overcome absolutist positions. Responsibility for this sat outside the CD and primarily with national capitals. There was a need for flexibility on all sides — including on the issue of existing fissile material stocks. Interpretation of the Shannon mandate should be as broad as possible and failing that, a new mandate could be considered. The point was also made that including existing stocks in a future agreement would require serious concessions by some nuclear possessor states.

On **PAROS**, delegations saw merit in looking at taking smaller steps. Success on smaller elements might build momentum for more ambitious undertakings down the track. Ideas shared included a ban or guidelines on debris creating ASAT tests, norms of responsible behaviour, consideration of dual-use technologies and counter-space technologies, and exchanges of information.

What are your ideas for breaking the deadlock over a Program of Work? What is a Program of Work and what is its role?

Many recognised that the deadlock was not a result of the CD's Rules of Procedure. Breaking the deadlock required political commitment beyond the CD.

First Special Session of the General Assembly devoted to Disarmament (SSOD1) which established the CD says the CD **has the authority to negotiate** — not that it must negotiate. Extensive work was needed before negotiations were ready.

One interpretation was that a Program of Work was a work plan agreed at the start of the year outlining what the CD would do during its session. It was a guide to facilitate our work and give it direction. There was no requirement that it set out the start or continuation of negotiations on any item — although it could if agreed. Opportunities to create ad hoc working groups or agreement to launch negotiations are meant to occur organically through our discussions.

One suggestion encouraged us to adopt a decision to establish subsidiary bodies to prepare for negotiations on core agenda items. These bodies could be designed consistent with the CD's mandate, regarded as pre-negotiation bodies to pave the way for negotiations with specific timelines. They should build on previous work and document and take stock of discussions.

Another idea was to limit the time spent trying for a program of work. If the first President of the year were unable to land a program of work, then work could move immediately to substantive discussions and continue other work behind the scenes.

There was also a sense that the countries with the largest militaries and nuclear arsenals had to show leadership in the CD. Others could advocate but without P5 leadership, we could not break the deadlock.

Several colleagues raised lack of trust — delegations needed assurance that their priority issues would be considered.

Some raised the value of making the CD a more effective platform for diverse views — civil society added value to our work.

How could we make the CD more effective?

CD members were broadly interested in how we could be more effective.

Some thought we needed a better environment for meaningful discussions on effective functioning without jeopardising the main tenets of the CD. Efforts needed to be depoliticised and might be more productive if held informally. Working papers which included a catalogue of ideas would also be useful.

Some thought it was important for the CD to review its membership — including enlargement — as the Rules of Procedure (rule 2) asked us to do periodically.

Many cited P6+2 cooperation as a good example of how we can work more effectively, without needing to ask permission. We had discretion to implement good ideas and incremental adjustments to the way we work.

Some argued for less focus over what constitutes a program of work and more self-discipline in the application of the consensus-rule. Breaking with consensus should be understood as a final resort to avert decisions detrimental to national interests, not as a tool to stifle general discussion.

One suggestion was to lengthen Presidencies to six weeks to reduce turnover and allow each President a more meaningful amount of time to guide the CD.

CD documents could note the year they were produced rather than just in sequential order (i.e. CD 1299 could become CD1299/95 or CD95/1299).

Another suggestion was that if the CD continues to under-perform then it should be shuttered (not abolished) until such time as states decide there was an actual treaty negotiation which they wished to see undertaken in the CD.

Some wanted the CD to be more interactive and less formal; others focused on preserving consensus and sovereign equality.

Many delegations expressed support for Australia's proposal to make the CD's Rules of Procedure gender neutral. This was a modest, sensible proposal whose time has come — to value diversity and equality in the CD.

We were disappointed not to be able to take it further during our Presidency and we very much hope this issue will be taken up by others; doing so would be a simple but important gesture that the CD can do something that objectively has no downside.
