

# Conference on Disarmament

15 September 2017

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## **Note verbale dated 14 September 2017 from the Permanent Representation of the Federal Republic of Germany to the Secretary-General of the Conference on Disarmament**

The Permanent Representation of the Federal Republic of Germany to the conference on Disarmament presents its compliments to the United Nations Office at Geneva and has the honour to submit to the Secretary-General of the Conference on Disarmament 2 letters addressed to the member states of the Conference on Disarmament with attached summary papers reflecting the discussions in the informal working group "The Way Ahead" on Agenda items 1 and 2 with general focus on the ban of the production of fissile materials for nuclear weapons and other nuclear explosive devices and agenda item 4 on effective international arrangements to assure non-nuclear-weapons States against the use of threat of use of nuclear weapons which were prepared in our capacity as co-facilitator of the respective discussions for inclusion into the CD final report.

The Permanent Representation of the Federal Republic of Germany to the Conference on Disarmament avails itself of this opportunity to renew to the United Nations Office at Geneva the assurances of its highest consideration.



## Letter 1

Geneva, 26 June 2017

### **Working Group on the “way ahead”: Agenda item 1 and 2 – Cessation of the nuclear arms race and nuclear disarmament and Prevention of nuclear war, including all related matters, with a general focus on the ban of the production of fissile materials for nuclear weapons and other explosive devices**

Following the agreement by the Conference on the timetable for the working group on the “Way Ahead”, established by CD/2090, the Conference on Disarmament held a series of informal open-ended meetings 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 20, 22 and 23 June in Geneva.

It is a great honour for me to have been asked to co-facilitate, acting as Friend of the Chair, these meetings.

Please find attached my notes of the discussions that took place on this issue. As agreed I will make them available to the members of the Conference on Disarmament.

(Signed) Michael Biontino  
Ambassador, Permanent Representative  
of the Federal Republic of Germany

## Introduction

Following the agreement by the Conference on the timetable for the working group on the “Way Ahead”, established by CD/2090, the Conference on Disarmament held a series of informal open-ended meetings 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 20, 22 and 23 June in Geneva.

The meetings were co-facilitated by H.E. Htin Lynn, Ambassador to Switzerland and Permanent Representative of Myanmar to the United Nations Office and other International Organizations in Geneva and H.E. Michael Biontino, Ambassador and Permanent Representative of Germany to the Conference on Disarmament, as friend of the Chair of the working group on the “Way Ahead”. The discussion followed the structure as proposed by the co-facilitator in his letter of 12 June 2017. In the following the main discussion points of the meetings will be summarized.

During the meetings on 20 and 22 June a general discussion and specific consideration of the issues of scope and objectives, definitions, verification, and legal and institutional arrangements for a “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices” took place.

During the meeting on 23 June, the working group, in line with its mandate, considered the four points of operative paragraph 1 of CD/2090:

- Take stock of the progress on all agenda items of the Conference as contained in CD/2085,
- Identify issues for substantive work under the agenda, taking into account the efforts and priorities of the international community,
- Identify common ground for a programme of work with a negotiating mandate,
- Consider steps for the way ahead.

By addressing these points, the working group considered what has been done until now, and what the Conference could do in the future concerning a ban of the production of fissile materials for nuclear weapons and other explosive devices.

## Scope and Objectives of a Treaty

Delegations affirmed that a future 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.

It was noted that the Treaty and its verification regime could contribute to, and lay a practical foundation for future disarmament efforts, not least as future reductions of nuclear weapons could build upon a freeze on future production of fissile material for prohibited purposes. In this way, the Treaty would contribute to the step-by-step approach or a building block approach towards nuclear disarmament.

Some delegations considered the inclusion of stocks of fissile material produced prior the entry into force of the Treaty key to the disarmament and non-proliferation implications of a future Treaty.

The interrelationship between the scope, definitions and verification regime of a future Treaty was highlighted by many delegations.

The Shannon Report and the mandate contained therein continued to provide the basis for negotiations for many delegations. Others called for a new mandate for negotiations as the so called “constructive ambiguity” of the Shannon-Report would no longer offer a sustainable basis for negotiations. This was mainly related to the question, whether the Shannon Report and the mandate contained therein included or excluded stocks of fissile material produced prior to the entry into force of the Treaty.

There was general agreement that a future Treaty should be legally binding, nondiscriminatory, multilateral and internationally and effectively verifiable in order to be credible. The issue of non-discrimination was raised, as it was noted that any future treaty might have a different impact on States depending on their capabilities and status.

The point was made that the scope of a future Treaty should be defined prior to the commencement of negotiations. Others delegations were of the view that the scope of a future ban will be determined during negotiations.

Delegations noted that a future Treaty should not undermine strategic stability and provide undiminished security for all.

It was argued that a Treaty should be formulated in terms of prohibited activities as opposed to authorized activities.

It was stressed that a Treaty must not hinder the peaceful and civilian use and development of nuclear energy, while ensuring that no fissile material will be diverted for nuclear weapons or other nuclear explosive devices.

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.

## **Treaty definitions**

Delegations noted the strong inter-relationship between the Treaty definitions, verification, and legal and institutional arrangements.

It was recognized that a strong inter-linkage exists between the use of broad or narrow definitions, the verifiability of the Treaty, and costs of the verification regime resulting from these decisions.

Different definitions of “fissile material” for a future Treaty were suggested by delegations, as outlined in the Group of Governmental Experts (A/70/81). Some delegations preferred the IAEA safeguards concept of special fissionable material, as outlined in Article XX of its Statute. Other delegations preferred a Treaty specific definition. Other delegations noted that the IAEA safeguards concept of un-irradiated direct use material could provide a starting point for discussions. Some delegations preferred definition of “fissile material” as weapons grade material. A specific isotopic composition, to be determined during negotiations based on the scope and verification requirements of the Treaty was preferred by other States.

Some delegations were open to consider the inclusion of neptunium-237 and americium-241, while others were of the view that these materials were not (yet) relevant and therefore should not covered by a future Treaty.

Consideration was given to the definition of “fissile material production facilities” and some delegations expressed a preference for using one of the following definitions. Some delegations preferred to include all enrichment and reprocessing facilities, while others were of the view that also plutonium generating reactors should be included. Some delegations expressed the view that all facilities capable of producing fissile material, irrespective of scale, should be included. Some delegations preferred a definition of production facilities containing only enrichment and reprocessing facilities that produce at least a minimum-quantity of fissile material in order to make verification processes viable. Other delegations also pointed out the necessity to include small-scale and closed-down facilities in order to eliminate possible loopholes and prevent diversion. Some delegations expressed the need to cover the whole fuel cycle.

It was noted that the definition of production facilities will be guided by the definition agreed upon during negotiations for fissile material production.

## Verification

Several options for Treaty verification were considered by delegations. Some delegations expressed a preference for a focused approach concentrating on enrichment and reprocessing facilities, and selected downstream facilities processing or handling fissile material. Others considered that a comprehensive approach covering the entire nuclear fuel cycle would be best suited for the Treaty. A hybrid approach concentrating on critical elements of the nuclear fuel cycle was also considered.

It was noted that costs of the verification regime need to be considered in order to avoid unnecessary expenditures by a duplication of existing structures.

Security concerns regarding the diversion of sensitive or commercial information through the verification regime were raised by some delegations. Suggestions were made that a so-called “black box” approach could alleviate the risks.

The development of a verification toolbox was addressed. Some delegations mentioned that the existing methods and tools of relevant multilateral or bilateral fora, most notably the IAEA, and possibly the Organization for the Prohibition of Chemical Weapons and the Provisional Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organization. Others were of the view that the verification toolbox needed to be specifically developed for the purpose of the Treaty and should be independent from existing organizations, not precluding the possibility of entering into cooperation agreements to build on the expertise of existing organizations.

Some delegations noted that appropriate declaration of Fissile Material, depending on the treaty scope and definitions, should be provided. Other delegations were of the view that initial declarations could also serve as a starting point for verification once the treaty enters into force. Providing declarations on a voluntary basis as a confidence building measure was also considered.

Some delegations noted the need for a comprehensive accounting of the fissile materials production. In this context, it was pointed out 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.

The definition of excess or undeclared materials was raised by some delegations, who noted the need for the verification of these materials. Others were of the view that challenges might emerge with the verification of these materials, as in any nuclear cycle various amounts of material exist in between the different stages. The point was made that these issues could be resolved as they were of a technical nature. It was suggested that the International Atomic Energy Agency could provide further clarifications on the technical aspects.

A number of delegations in favor of the inclusion of existing stock of fissile material produced prior to the entry into force of the Treaty, were of the view that the technical obstacles raised by some delegations are not unsurmountable, but are merely of political nature. Others questioned the technical feasibility of the verification of existing stocks.

The majority of delegations agreed that a verification system should allow for comprehensive and credible results in a cost-effective manner. Different views were expressed on the cost distribution between States Parties. Some delegations suggested that the costs should be shared by all States Parties. Others were of the view that the burden of new verification measures should be carried by those countries subject to it. The point was made that voluntary contributions should be possible.

## Legal and institutional arrangements

Many delegations expressed support for a tripartite structure with a secretariat, an executive council and a governing body (such as a Conference of States Parties). Other delegations

supported the establishment of an independent decision-making and review body in conformity with the objectives and purpose of the treaty.

Many delegations suggested the establishment of an independent treaty organization, to host the Secretariat and support the implementation of the Treaty. Other delegations considered that the IAEA could serve as the Treaty organization, host the Secretariat of the Treaty or perform other important functions for the treaty. The point was made that differences in membership to the IAEA and the Treaty might lead to complications, and should therefore be avoided. Others pointed to the specific mandate, which would derive from a future Treaty.

Divergent views were expressed on the role of the IAEA in relationship to a Treaty. Some delegations noted the expertise and experience of the Agency and stressed the need of avoiding the duplication of efforts, while others pointed to the specific mandate and expertise needed for the verification of a treaty banning the production of fissile material for nuclear weapons and other explosive devices.

Some delegations argued that a consultation and clarification mechanism should be included in the Treaty to provide a first effort to clarify and resolve concerns about possible non-compliance.

Divergent views existed on the issue of referral in cases of non-compliance. The point was made by some delegations that the Security Council would be unsuitable to deal with cases of non-compliance by Permanent Members of the Security Council and therefore cases should be referred to the General Assembly. Others were of the view that the cases of non-compliance should indeed be referred to the Security Council while some delegations voiced their preference for a dedicated compliance mechanism.

Many delegations argued that the Treaty should contain withdrawal provisions. Some delegations stressed that this should only be permitted in extreme circumstances, such as the result of extraordinary events, or on the basis of national security concerns. It was argued that a withdrawal period should be identified during which the State Party remains bound by the Treaty provisions. Other delegations argued that authorizing the withdrawal from the Treaty would jeopardize its effectiveness, and have a negative impact on the integrity of the Treaty and international security.

The entry into force of the Treaty was considered by delegations and two models were identified: a quantitative approach (based on a simple unqualified number of States who need to ratify the Treaty) to ensure that no single State could block the entry into force of the Treaty, or a qualitative approach (based on the ratification by States with particular relevance to the Treaty) to ensure that objective and purpose of the Treaty are fulfilled as all relevant States are bound by the Treaty. In this context, references were made to the challenges that have arisen from the entry into force of the model employed for the Comprehensive Nuclear Test-Ban Treaty.

With regard to the duration of the treaty diverging views were expressed. Many delegations expressed preference for the Treaty to be unlimited in its validity in order to ensure its irreversibility and credibility in accordance with the objectives and purpose of the Treaty. Other delegations suggested that the Treaty should have a limited duration, not excluding the possibility to extend its duration upon review and a decision by consensus.

Some delegations were of the view that decisions to amend the Treaty should be made by consensus, while other delegations noted that this depended on the concrete negotiations of the Treaty.

Many delegations were of the view that the treaty should be flexible enough to take into account future technological changes and developments.

## **Steps for the Way Ahead**

During these discussions both the overarching political issues and as well as essential technical elements of such a treaty were duly considered. It became clear that these elements, if technical in nature, are indeed at the same time highly political, as well as

closely interrelated and dependent on each other. Thus, an integrated approach seems to be appropriate.

It became clear as well that due to time constraints the working group was only able to conduct a first discussion and that further in depth consideration would be required in order to explore where positions might converge.

In general, it can be concluded that the delegations participating in the discussion were of the view that these were useful in order to come to a better understanding of the different positions of delegations and to promote the CD's disarmament and non-proliferation agenda concerning nuclear weapons

There was general agreement that negotiations on a Treaty should take place in the CD as soon as possible on the road to a world without nuclear weapons. It was stressed that the CD is the most appropriate forum because of its historical role, the rule of consensus, the need to take into account essential security concerns, and the presence of all relevant stakeholders. It was added that the negotiations should be part of balanced and comprehensive programme of work.

Many delegations noted that the time is ripe for the commencement of negotiations in the CD. These delegations underlined that differing views could be addressed during the negotiations and should not therefore be an obstacle for the commencement of negotiations.

There was a widespread understanding of the continued validity of the Shannon-Report of 1995 (CD/1299), and the mandate contained therein, as a starting point for negotiations. However, the point was also made that the Shannon Mandate has outlived its relevance as the basis for substantive work on a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Therefore, it was argued that a new mandate for negotiations should be considered.

Many delegations noted the report of the Group of Governmental Experts on elements of a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/70/81) and welcomed the in depth and technical nature of the GGE's work 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. Other delegations questioned the value of the report and argued that its conclusions and recommendations were not sufficient enough to achieve a breakthrough in the CD. The point was made that the composition of the GGE did not reflect the views of all relevant stakeholders.

Many delegations welcomed the establishment of the high-level fissile material cut-off treaty expert preparatory group, established by General Assembly resolution 71/259, to consider and make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. These delegations expressed the hope that the work of the expert preparatory group would further contribute to the CD moving forward and bringing up points of convergence and putting aside divergences for a future treaty. However, the point was made as well, that the high-level FMCT expert preparatory group did not enjoy consensual support as its mandate is based on the Shannon-Report, undermines the central role of the CD, does not address the underlying security concerns and with its limited membership, does not include all nuclear weapon possessing States, nor all relevant non-nuclear weapon States.

There was general agreement that the discussions held as part of the working group on the "Way Ahead" (CD/2090) were useful and should be continued and built upon. Calls were made for further in-depth and technical discussions to bridge the divergences on a "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" in the CD in the absence of consensus on the commencement of negotiations.

## Letter 2

Geneva, 6 July 2017

### **Working Group on the “way ahead”: Agenda item 4 – Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons (NSA)**

Following the agreement by the conference on the timetable for the working group of the “Way Ahead”, established by CD/2090, the Conference on Disarmament held a series of informal open-ended meetings on agenda item 4 – Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (NSA) on 28, 29 and 30 June in Geneva.

It is a great honour for me to have been asked to co-facilitate, acting as Friend of the Chair, these meetings.

Please find attached my notes of the discussions that took place on this issue. As agreed I will make them available to the members of the Conference on Disarmament.

(Signed) Michael Biontino  
Ambassador, Permanent Representative  
of the Federal Republic of Germany



## **Working Group on the “way ahead”: Agenda item 4 - Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (NSA)**

### **Introduction**

Following the agreement by the Conference on the timetable for the working group on the “Way Ahead”, established by CD/2090, the Conference on Disarmament held a series of informal open-ended meetings on agenda item 4, “effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons” on 28, 29 and 30 June in Geneva.

The meetings were co-facilitated by H.E. Htin Lynn, Ambassador to Switzerland and Permanent Representative of Myanmar to the United Nations Office and other International Organizations in Geneva and H.E. Michael Biontino, Ambassador and Permanent Representative of Germany to the Conference on Disarmament, acting as friend of the Chair of the working group on the “Way Ahead”. The discussion followed the structure as proposed by the co-facilitator in his letter of 20 June 2017. In the following, the main discussion points of the meetings will be summarized.

During the meetings on 28 and 29 June, a general exchange of views and overview of existing negative security assurances (NSAs), an identification of issues for substantive work, taking into account the efforts and priorities of the international community, including challenges and opportunities of commencing international negotiations on a universal agreement on negative security assurances took place.

During the meeting on 30 June, the issues of common ground for a programme of work with a negotiating mandate, keeping in view previous decisions of the Conference on Disarmament, as well as the main elements of a possible international instrument on negative security assurances and how to take forward discussions or negotiations were covered.

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

Many delegations noted that the only absolute guarantee for negative security assurances is the total elimination of nuclear weapons and underlined that the objective of achieving negative security assurances is therefore not an end itself, but an intermediate step towards the total elimination of nuclear weapons. Many stressed in this context the need for equal and undiminished security for all is a major concern.

Many delegations were of the view that the existing assurances are not satisfactory given their non-legally binding nature, lack of universality, openness for free interpretations, and the varying qualifiers associated with them. On the contrary the point was made, that the existing assurances are credible and effective, and added that the concerns about reservations and conditions are not substantiated.

There was a widely shared view that a legally binding instrument should be non-discriminatory, universal, irrevocable, credible, and unambiguous. Many delegations noted that such an instrument should be unconditional, while others noted that negative security assurances should be 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 (NPT).

The point was made by some delegations that negative security assurances should not be linked to any specific existing Treaty, and that there is no relationship between the negative security assurances and the NPT, as the latter does not include provisions on negative security assurances. Other delegations stated that they see NPT membership and compliance as a precondition for NSA's which raised the question regarding the mechanisms that are available to review such ‘compliance’.

Some delegations argued effective negative security assurances will contribute to non-proliferation efforts as it will reduce the incentive of some States to develop nuclear weapons.

Nuclear weapon States noted the unilateral pledges made in Security Council Resolutions 255 (1968) and 984 (1995), their commitments undertaken through the respective Protocols of the existing Nuclear Weapon Free Zones (NWFZs) Treaties, and the assurances given in their respective national security doctrines which together provide sufficient guarantees for non-nuclear weapon States who are party to and in full compliance with the NPT obligations. Reference was made to the unilateral declarations given in the Conference on Disarmament, following the 1995 NPT Review Conference.

Some delegations noted that through the adoption of Security Council resolutions 255 (1968) and 984 (1995), the consensus final document of SSOD –I and 2010 NPT Action Plan, and by accepting NSAs as an agenda item in the Conference on Disarmament, the nuclear-weapon States have already acknowledged their ‘global’ obligations to negative security assurances.

Some argued that the lack of progress on the conclusion of a legally binding international instrument forms a risk to the credibility and relevance of the non-proliferation regime.

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, in line with their respective military doctrines.

It was also argued by nuclear weapon States that they will not use nuclear weapons against any country that is not in possession of nuclear weapons, unless their vital interests are at stake, or they (or their allies) are invaded or they are attacked by a non-nuclear weapons State in alliance with a nuclear weapon State.

The point was made by a nuclear weapon State, while explaining its national doctrine, noted that 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.

Many delegations also noted the current instruments on negative security assurances, which include the United Nations Security Council resolutions 255 (1968) and 984 (1995) and relevant resolutions of the First Committee of the United Nations General Assembly; the unilateral declarations by nuclear weapon States; the outcomes of NPT Review Conferences; and the nuclear weapon free zone treaties and their Protocols.

Extensive discussions took place on the issue of NWFZs, where many delegations welcomed the establishment of NWFZs. Nuclear weapon States also expressed their support for the establishment of NWFZs, and elaborated on their commitments made so far, including through the signing of the Protocols of such NWFZs. Thereby, assurances have been granted for more than 100 States belonging to these regions. Some nuclear weapon States also expressed their intention to broaden their assurances by signing and ratifying the Protocol to the Treaty of Bangkok, which establishes a nuclear-weapon-free zone in South-East Asia. They further added that those commitments made under NWFZs are legally binding guarantees.

However, it was stressed that attempting to limit the NSAs only to NWFZs would narrow down this ‘global’ obligation into a ‘regional’ dimension. In this regard, one nuclear weapon State suggested to enlarge the scope of negative security assurances beyond NWFZs.

On the question of lack of uniformity of NSAs among different NWFZs, the point was made that the NWFZs Treaties and respective Protocols reflect the specific regional characters, and hence cannot be expected to be uniform.

Support was expressed by several delegations, including nuclear weapon States, for the urgent establishment of a Middle East Zone Free of Nuclear Weapons and other Weapons of Mass Destruction. The point was made that such a zone can only be established through direct and substantive dialogue, based on consensus, between all States of the region and taking into account the security interests of all parties of the region.

## **Challenges and opportunities of commencing international negotiations on a universal agreement on negative security assurances and common ground on a programme of work**

The Conference on Disarmament was recognized as the most appropriate forum with the required mandate and the potential to carry forward work on the issue of negative security assurances by a number of delegations, including some of the nuclear weapon States.

There was general agreement that negative security assurances represent an interim step towards nuclear disarmament.

The question was raised that the Conference should consider 'who should provide assurances to whom'. Two approaches to this question were mentioned. Either the provision of assurances by nuclear weapon possessing States to non-nuclear weapon possessing states only, or an approach, which would involve assurances provided by everyone to everyone.

The point was made that in order to arrive at a global agreement on negative security assurances, the discussions should also focus on a commonly understood definition for what constitutes a 'threat of use of nuclear weapons'. It was noted that although Article 2(4) of the Charter of the United Nations prohibits the threat or use of force, there is a lack of common agreement and understanding about the meaning of this term. Furthermore, it was also suggested defining the meaning of 'alliance' in the context of negative security assurances.

Some delegations expressed the view that negative security assurances could also be negotiated in the context of the NPT. However, the point was made as well stated that negotiating negative security assurances in the context of the NPT would be problematic as some States are not parties to the NPT.

The point was made, while making reference to its working paper contained in CD/1816, for the need of 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 their respective security doctrines and policies. In this context the point was made by others that military doctrines cannot be subject to international negotiations. It was also noted that the starting point for discussions on negative security assurances should be among States that espouse nuclear deterrence doctrines.

Furthermore the point was made that the discussions on the principles under international humanitarian law should also be taken into account and that the use of nuclear weapons is contrary to the principles of peace and security.

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

On the elements of a future treaty on negative security assurances, some delegations noted that it should cover both use and threat of use.

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 unambiguous, and should respond to the concerns of all parties.

In terms of legal obligations, it was pointed out that a future Treaty should contain a pledge on not using or threatening to use nuclear weapons by all States possessing nuclear weapons.

The point was made that the credibility of negative security assurances depends on measures that may be put in place to promote transparency, allow verification, and address non-compliance and that in terms of transparency, nuclear weapon States should increase their transparency about their nuclear weapon capabilities, the role of these weapons in their defense postures – including thresholds of use and operational status – and the

implementation of arms control agreements in order to build confidence both among nuclear weapon States and non-nuclear weapon States. Concerning verification, it was mentioned that it is also critical for non-nuclear weapon States to demonstrate continued compliance with their non-proliferation obligations through robust verification. Ensuring compliance was seen as another important element of a future Treaty on negative security assurances. The point was made that any verification regime adopted as part of negative security assurances should include processes to resolve disputes, including consultations with concerned parties and that compliance judgments should be part of a political process, but based on facts identified through verification reports. In cases of non-compliance, credible sanctions would be necessary in order to help bringing States back into compliance.

On the question of addressing the issue of non-compliance, it was pointed out, that given the composition of nuclear weapons States, the Security Council should have no involvement in this regard while others did see a role for this body.

The point was made that a future Treaty on negative security assurances should be time-limited to reflect the step-by-step approach and to thereby acknowledge the fact that at some point in the future there will be no distinction between nuclear weapon and non-nuclear weapon States, while most delegations favored an unlimited duration of a treaty.

### **The way ahead**

There was no objection to the idea to use NSA as a part of a program of work in the Conference on Disarmament. Delegations also noted in that context that legally binding negative security assurances constitute the most feasible item for negotiations in the agenda of the Conference on Disarmament.

It was mentioned by some delegations that, the issue of negative security assurances is a mature issue that is ready to be negotiated, especially considering the understanding that a nuclear attack on a State that does not possess a similar response capability is unacceptable.

The point was made by some delegations that the Conference on Disarmament should start to work on a mandate as soon as possible and that the mandate for negative security assurances in the Conference on Disarmament as part of the programme of work should be modernized.

Furthermore it was suggested that the Conference on Disarmament could consider aggregating an all-encompassing overview of existing negative security assurances, try to identify a list of common elements stipulated in them and demonstrate their interrelationship, which can be considered as the least common denominator in the negotiations of a future multilateral treaty.

It was mentioned that negotiating a politically binding regime in the Conference on Disarmament could break the deadlock, and that, therefore, flexibility concerning a politically binding regime versus receiving unconditional and legally binding assurances might be considered.

Support was expressed by delegations for the establishment of an Ad Hoc Committee in the Conference on Disarmament to identify the main elements of a future Treaty on negative security assurances.

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