

**LETTER DATED 10 AUGUST 2007 FROM THE PRESIDENT OF THE  
CONFERENCE ON DISARMAMENT ADDRESSED TO THE  
SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE  
REPORTS OF THE SEVEN COORDINATORS SUBMITTED TO THE  
PRESIDENT OF THE CONFERENCE ON THE WORK DONE DURING  
THE 2007 SESSION ON AGENDA ITEMS 1 TO 7**

On 24 January of this year, the six 2007 Presidents of the Conference (P6) had appointed the following as Co-ordinators to work under the auspices of the P6:

Ambassador Wegger Strømme of Norway for agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament", Ambassador Carlo Trezza of Italy for agenda item 2 entitled "Prevention of nuclear war, including all related matters", Ambassador Paul Meyer of Canada for agenda item 3 entitled "Prevention of an arms race in outer space", Ambassador Carlos Paranhos of Brazil for agenda item 4 entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", Ambassador Petko Draganov of Bulgaria for agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons", Ambassador Makarim Wibisono of Indonesia for agenda item 6 entitled "Comprehensive programme of disarmament", and Ambassador John Duncan of the United Kingdom for agenda item 7 entitled "Transparency in armaments".

In my capacity as President of the Conference on Disarmament and through you, Mr. Secretary-General, I would like to warmly thank all the seven Co-ordinators for the important work done under their most professional guidance. The seven Co-ordinators' reports submitted to the President, and attached to this letter in annexes I - VII, capture their most valued work and should be one important point of reference for future activities of our Conference.

Consequently, I should be grateful if *this letter together with its seven annexed documents* could be issued as *one* 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):

The President of the Conference on Disarmament

Jürg Streuli  
Ambassador

Annexes: I to VII

The seven Co-ordinators' Reports to the President of the Conference on  
Disarmament on work done during the 2007 session on agenda items 1 to 7

Annex I

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 1**

**entitled**

**"Cessation of the nuclear arms race and nuclear disarmament"  
submitted by the Co-ordinator on agenda item 1  
Ambassador Wegger Strommen of Norway**

**CD agenda item 1:  
Cessation of the Nuclear Arms race and Nuclear Disarmament**

Summary of proposals made during the first part of CD's annual Session, with a view to commencing negotiations

Clustering compiled by co-ordinator, Ambassador Wegger Chr. Strømme, Norway

**Convention – prohibiting nuclear weapons**

- a convention prohibiting the development, production, testing, stockpiling, transfer, threat of use or actual use of nuclear weapons and their elimination (as expressed in the SSOD 1 final declaration and action plan)
- negotiations of a Nuclear Weapons Convention prohibiting the development, production, stockpiling and use of nuclear weapons and on their destruction, leading to global, non-discriminatory and verifiable elimination of nuclear weapons with a specified timeframe
- establish a subsidiary body, preferably under item 2 of the agenda, to negotiate a convention on the prohibition of the use of nuclear weapons
- negotiation of a convention on the complete prohibition of the use or threat of use of nuclear weapons
- comprehensive overview over the legal, technical and political requirements for a nuclear weapons free world, including:
  - prohibition to acquire, develop, test, produce, stockpile, transfer, use and threat of use of nuclear weapons
  - control of nuclear weapons and fissile material holdings
  - steps for destruction of all nuclear warheads and delivery vehicles
  - mechanisms for verifying destruction and ensuring compliance
  - international organisation to coordinate verification, implementation and enforcement under international control
  - disarmament and non-proliferation education

**Other legal instruments**

- negotiation of a global agreement among nuclear weapon States on “no-first-use” of nuclear weapons

- negotiation of a universal and legally-binding agreement on non-use of nuclear weapons or threat of use against non-nuclear weapon States
- negotiate an FMCT
- agreement on specific and legally binding measures to achieve the universalization of the NPT

#### **Ad hoc committee – phased program on nuclear disarmament**

- an ad hoc committee to start negotiations on a phased program for the complete elimination of nuclear weapons with a specified time frame, including a nuclear weapon convention (as expressed in the final documents of the 14th Ministerial Meeting of the NAM (Kuala Lumpur) and the 14th Meeting of the Heads of State and Government of NAM (Havana))
- nuclear weapon states must fulfil disarmament obligations under the NPT
- multilateral agreement to reduce nuclear arsenals by a certain number or percentage
- reduction of non-strategic nuclear weapons

#### **Transparency and Confidence Building Measures**

- principles on transparency, irreversibility, verification of nuclear disarmament, including data sharing, international monitoring system, consultation and clarification procedures, on-site inspections, registry
- NWS provide information on number and types of nuclear weapons in current arsenals and projected levels in five years. Provide status on weapons and delivery systems removed from active service or dismantled, and conversion efforts
- regular (formalised) briefings to CD members by declared nuclear weapon states
- multilateral agreement to reduce the operational readiness of deployed nuclear systems.
- de-alerting and de-activation of nuclear weapon systems
- compliance mechanism that could consist of technical assistance in destruction, procedures for national implementation, dispute resolution procedure, penalties for non-compliance, recourse to the UN Security Council, UNGA and ICJ for further action
- reduction of the role of nuclear weapons in security policy

### **Other specific measures**

- entry into force of the CTBT, maintaining the moratorium on nuclear test explosions
- establish a nuclear-weapon free zone in the Middle East
- nuclear-weapon free zones
- negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These arrangements could take the form of an internationally binding instrument
- the link between nuclear disarmament and nuclear non-proliferation
- consideration by an ad hoc committee of: simultaneous pursuit of nuclear disarmament and non-proliferation; prominence of nuclear weapons in security doctrines; asymmetric possession of WMD; terrorists and WMD; cooperation in the field of nuclear energy
- adopt a comprehensive and balanced programme of work of the CD, and to establish subsidiary bodies to negotiate the four core issues
- reaffirmation of the unequivocal commitment of all nuclear weapon States to the goal of complete elimination of nuclear weapons
- reduction of the salience of nuclear weapons in the security doctrines

Annex II

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 2**

**entitled**

**"Prevention of nuclear war, including all related matters"  
submitted by the Co-ordinator on agenda item 2  
Ambassador Carlo Trezza of Italy**

**Geneva, 7 August 2007**

**Report on the informal meetings that took place in the Conference on Disarmament, under the coordination of Ambassador Carlo Trezza, on Item 2 of the CD Agenda (Prevention of nuclear weapons including all related matters)**

- The meetings took place on 8-9 February and from 5 to 7 March 2007. Preliminary remarks were made by the Coordinator on February 8th (Annex 1). The deliberations were based on an “Outline for discussions” originally composed of 5 issues and 10 sub-issues (Annex 2), which was accepted by the Six Presidents and the CD members. During the meetings some delegations suggested to add three additional sub-issues (ix, xii, xiii) to the Outline which was adjusted accordingly (Annex 3). The deliberations took place bearing in mind the understanding that “for practical reasons the topic of FMCT will be discussed under agenda item 2” (CD/2007/CRP.3 of February 2/2007).
- The structure of the “Outline for discussion” was based on the existing CD documents and in particular CD/INF.49 and CD/INF.49/Add.1. Among the documents a Draft Treaty (CD 1777) presented by one delegation was the object of frequent references during our proceedings.
- Substantial discussions were preceded by introductory remarks by the Coordinator (Annex 4).
- At the conclusion of Round one and Round two, the coordinator shared with delegations his synthetical recollection of the deliberations on each item and sub item (Annex 5). This synthesis was read to member states on March 5 and on March 7 and was adjusted on the basis of the comments received.
- In addition to the informal meetings a number of bilateral or plurilateral consultations took place with several delegations. The Coordinator also indicated his availability to brief all regional groups, most of which accepted to meet with him.
- As indicated in enclosure 5, the deliberations under item 2 of the Agenda were focused on the issue of a Treaty banning the production of fissile material for nuclear weapons and other explosive devices, which according to CD document CD/INF.49 has been the object of CD deliberations since 1995. A debate on this issue took place also last year as indicated under para 14 b) of last years CD Report.
- The full time allocated (18 hours) was used for focused and substantial work exclusively by CD delegations. The atmosphere of the discussions was cordial and constructive; the deliberations took place mostly in an interactive mode with active participation of a large number of CD delegations. National experts from capitals integrated some members’ delegations. The CD Presidency, the Secretary General and their collaborators attended the meetings.



(Annex 1)

**Preliminary remarks by the Coordinator for item 2 of the Agenda  
Ambassador Carlo Trezza (Geneva, 8 February 2007)**

- This is the first informal meeting under item 2 of the CD Agenda. We are starting a new process and thus sailing through uncharted waters. We started deliberations on item 1 under of the Agenda the coordination of Ambassador Strommen of Norway. In my opinion they took place in a constructive atmosphere of mutual trust. I shall make all efforts to maintain that atmosphere.
- I thank the Conference for agreeing to my appointment by the 2007 Presidents as coordinator for item 2 of the Agenda (Prevention of nuclear weapons, including all related matters). I also thank all delegations which contacted me in advance.
- My understanding based on doc. CD/2007/CRP.3 of Feb 2/2007 is that “for practical reasons the topic of FMCT will be discussed under agenda item 2”. Let me recall that the issue of banning the production of fissile material for nuclear weapons or other nuclear explosive devices was widely dealt with during the focused and structured debate last year. Working documents were presented and experts participated in our deliberations. On this basis and on the basis of the indications received by the Presidents, I have elaborated and submitted to the Presidents and to the Conference on January 29 an outline for discussion and a time table, which I suggested as a terms of reference for our deliberations. This outline was illustrated and discussed by the Conference on January 29. It was subsequently incorporated into document CD 2007 CRP.2 as part of the indicative timetable of formal and informal meetings of the Conference on Disarmament for 2007 session. I explained on January 29 that the issues and sub issues contained in the outline for discussion were based principally on document CD/INF 49 which contains a collection of working documents made by the Secretariat on the issue of FMCT. I thank the Secretariat for having prepared that document. I am especially grateful to the Secretariat for the timely distribution, on February 6, of CD/49/Add1 containing “Basic documents of the Conference on Disarmament Related to the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices” which were presented in 2006.
- On January 22, 2007 the President of the CD, on the occasion of the approval of the Agenda made the following statement “in connection with the adoption of the agenda, I, as the President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda. On that basis I would like to ask if delegations have additional issues to suggest under item 2 of the Agenda.

**Coordinator for item 2 of the Agenda**

**First Outline for discussion of item 2 of the agenda of the CD:  
February 5-9 and March 5-9, 2007 (Phase I)**

The objective of these sessions would be to identify and discuss issues and sub-issues within item 2, with a focus on the issue of banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The following selection of sub-issues and timetable are based on the collection of official documents on FMCT contained in document CD/INF.49 of 9 May 2006 and subsequent official documents presented by delegations during the 2006 session.

**Proposed Workplan**

Week 3

Morning	5/2	6/2 Plenary	7/2	8/2 1) Identification of issues under item 2. 2) General discussion on an FMCT.	9/2 iv) Production of fissile material for non-explosive purposes; v) Existing organisations: Role of the IAEA
Afternoon				3) Consideration of sub-issues within an FMCT: i) purposes; ii) definitions iii) scope.	

Week 7

Morning	5/3	6/3 Plenary	7/3	8/3	9/3
Afternoon	4) Discussion on possible other issues under item 2 of the Agenda vi) Transparency vii) Stocks	viii) Compliance and verification. ix) Settlement of disputes, entry into force, ratification and depositaries	x) Duration and withdrawal 5) Assessment of work done and future plan for part II		

**Thursday, February 8 (morning):**

- 1) Identification of issues falling under item 2 of the Agenda.
- 2) General discussion on a treaty banning the the production of fissile material for nuclear weapons or other nuclear explosive devices.

**Thursday, 8 February (afternoon):**

- 3) Consideration of sub-issues to be dealt within a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices:
  - i) Purposes and possible preamble of an FMCT: CD/1549-CD/1551/CD/1590-CD/1614-CD/1714-CD/1719-CD/1772-CD/1774-CD/1775-CD/1776-CD/1782-CD/1794.
  - ii) Definitions: CD/1516-CD/1671-CD/1714-CD/1734-CD/1771-CD/1774-CD/1775-CD/1777.
  - iii) Scope: CD/1614-CD/1671-CD/1676-CD/1701-CD/1714-CD/1771-CD/1774-CD/1775-CD/1777.

**Friday, 9 February (morning):**

- iv) Production of fissile material for non-explosive purposes: CD/1516-CD/1671-CD/1719-CD/1774-CD/1775.
- v) Existing organizations: role of the IAEA: CD/1614-CD/1671-CD/1707-CD/1714-CD/1734.

**Monday, 5 March (afternoon):**

- 4) Discussion on possible other issues under item 2 of the Agenda
  - vi) Transparency: CD/1485-CD/1516-CD/1578-CD/1590-CD/1770-CD/1774.
  - vii) Stocks: D/1485-CD/1516-CD/1545-CD/1671-CD/1691-CD/1705-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777.

**Tuesday, 6 March (afternoon):**

viii) Compliance and verification: CD/1516-CD/1578-CD/1590-CD/1614-CD/1671-CD/1691-CD/1709-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777-CD/1782.

ix) National implementation CD/1777.

x) Settlement of disputes, entry into force, ratifications and depositaries: CD/1714-CD/1773-CD/1777.

**Wednesday, 7 March (afternoon):**

xi) Duration and withdrawal: CD/1777.

xii) Eligibility for signature and arrangements for accession after entry into force: CD/1777

xiii) Review and amendment procedure.

5) Assessment of work done, next steps and future plan for part II.

(Annex 3)

**Coordinator for item 2 of the Agenda**

**Amended outline for discussion of item 2 of the agenda of the CD: February 5-9 and March 5-9, 2007 (Phase I)**

The objective of these sessions would be to identify and discuss issues and sub-issues within item 2, with a focus on the issue of banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The following selection of sub-issues and timetable are based on the collection of official documents on FMCT contained in document CD/INF.49 of 9 May 2006 and subsequent official documents presented by delegations during the 2006 session.

Proposed Workplan

Week 3

Morning	5/2	6/2 Plenary	7/2	8/2 1) Identification of issues under item 2. 2) General discussion on an FMCT.	9/2 iv) Production of fissile material for non-explosive purposes; v) Existing organisations: Role of the IAEA
Afternoon				3) Consideration of sub-issues within an FMCT: i) purposes; ii) definitions iii) scope.	

Week 7

Morning	5/3	6/3 Plenary	7/3	8/3	9/3
Afternoon	4) Discussion on possible other issues under item 2 of the Agenda vi) Transparency vii) Stocks	viii) Compliance and verification. ix)* National implementation x) Settlement of disputes, entry into force, ratification and depositaries	xi) Duration and withdrawal xii)* Eligibility for signature and arrangements for accession after entry into force xiii)* Review and amendment procedure 5) Assessment of work done and future plan for part II		

**Thursday, 8 February (morning):**

- 1) Identification of issues falling under item 2 of the Agenda.
- 2) General discussion on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

**Thursday, 8 February (afternoon):**

- 3) Consideration of sub-issues to be dealt within a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices:
  - i) Purposes and possible preamble of an FMCT: CD/1549-CD/1551/CD/1590-CD/1614-CD/1714-CD/1719-CD/1772-CD/1774-CD/1775-CD/1776-CD/1782-CD/1794.
  - ii) Definitions: CD/1516-CD/1671-CD/1714-CD/1734-CD/1771-CD/1774-CD/1775-CD/1777.
  - iii) Scope: CD/1614-CD/1671-CD/1676-CD/1701-CD/1714-CD/1771-CD/1774-CD/1775-CD/1777.

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\* new sub-issues

**Friday, 9 February (morning):**

iv) Production of fissile material for non-explosive purposes: CD/1516-CD/1671-CD/1719-CD/1774-CD/1775.

v) Existing organizations: role of the IAEA: CD/1614-CD/1671-CD/1707-CD/1714-CD/1734.

**Monday, 5 March (afternoon):**

4) Discussion on possible other issues under item 2 of the Agenda

vi) Transparency: CD/1485-CD/1516-CD/1578-CD/1590-CD/1770-CD/1774.

vii) Stocks: D/1485-CD/1516-CD/1545-CD/1671-CD/1691-CD/1705-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777.

**Tuesday, 6 March (afternoon):**

viii) Compliance and verification: CD/1516-CD/1578-CD/1590-CD/1614-CD/1671-CD/1691-CD/1709-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777-CD/1782.

ix) National implementation CD/1777.

x) Settlement of disputes, entry into force, ratifications and depositaries: CD/1714-CD/1773-CD/1777.

**Wednesday, 7 March (afternoon)**

xi) Duration and withdrawal: CD/1777.

xii) Eligibility for signature and arrangements for accession after entry into force: CD/1777

xiii) Review and amendment procedure.

5) Assessment of work done, next steps and future plan for part II.

**Introductory remarks by the Coordinator on a Treaty banning the  
production of fissile material for nuclear  
weapons or other nuclear explosive devices**

**i. Purposes and possible preamble**

The following considerations are based on the content of previous official CD documents. Many delegations in their official past documents have indicated that a treaty banning the production of fissile for nuclear weapons or other nuclear explosive devices would be both an essential building block towards nuclear disarmament and a precondition for success in preventing nuclear non proliferation, including nuclear terrorism. Some delegations indicated also that such a treaty would represent the most important negotiation since the conclusion of the Comprehensive Test Ban Treaty (CTBT). Other delegations stressed the need, already seven years ago, to commence in the CD negotiations on such a treaty, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives, with a view to their conclusion within five years.

These concepts, along with others that delegations might submit, could represent also a starting point for a possible preamble of the treaty.

**ii. Definitions**

In past CD documents several delegations have provided their national views on a definition of “fissile material” the production of which should be prohibited by a treaty. The common ground for a definition could be the prohibition of the production of those fissile materials relevant to the manufacture of nuclear weapons. All delegations that have intervened on this topic identified both highly enriched uranium and plutonium, even if with reference to different levels of enrichment and isotopic compositions, as the main fissile materials to be concerned by a treaty. Some delegation identified also Neptunium, Americium, Tritium and Thorium as materials that, to some extent, could be regulated by an FMCT.

It emerged clear from the studying of CD documents that the production of “fissile material” for other than nuclear explosive uses should not be affected by such a treaty.

**iii. Scope**

As one of the sub-issues of a possible FMCT, the issue of the scope has been addressed frequently by Member States in their CD documents and statements. Some delegations are of



the view that the scope of an FMCT should include future production of fissile material for nuclear weapons or other explosive devices.

Another issue related to the scope of an FMCT is whether a possible prohibition of production would include also an obligation to close down or decommission facilities producing the material considered by an FMCT or to convert them to non-nuclear-weapon use. In this connection, the issue of possible “reversion” of such closed-down or decommissioned facilities back to production could also be addressed.

Furthermore, for some countries the “diversion” of fissile material from non-nuclear-weapon purposes to nuclear-weapon purposes after the entry into force of an FMCT should be subject to a ban.

A minimum common denominator is that a primary focus of a treaty on fissile material should be to stop the further production of those fissile materials necessary to manufacture nuclear weapons.

#### **iv. Production of fissile material for non-explosive purposes**

An FMCT should prohibit the production of fissile material for use in nuclear weapons or other explosive devices. One issue to be addressed under the item of the outline entitled “Production of fissile material for non explosive purposes” is whether HEU for non explosive purposes should be dealt with under an FMCT. There seems to be a wide propensity to consider that a future FMCT should not cover uranium enriched for non-explosive use, among which naval propulsion and research reactors. But some CD documents mention that HEU used for naval propulsion purposes should be placed under appropriate material control and accounting.

Some CD documents indicate the views of experts according to whom, due to the highly classified nature of submarine operations and due to the fact that they operate most of the time out on the sea, it would be virtually impossible to develop appropriate verification. On the basis of the many documents and statements on this issue, production of fissile material for purposes other than production of explosive devices should not be prohibited. Therefore, an exception should be made for military naval reactors available so far also to Non Nuclear Weapon States within the Non Proliferation Treaty.

#### **v. Existing organizations: role of the IAEA**

According to many working documents, the IAEA could play a significant role in negotiation and possible implementation of an FMCT. Documents also mention a possible role in verification. Should an FMCT require a multilateral body to implement its provisions, there would, no doubt, be an advantage in using expertise and knowledge of the IAEA and its

robust infrastructure, including administration, equipment and know-how, in order to save administrative costs and reduce financial burdens on States parties.

Documents suggest arrangements could be concluded by all nuclear-weapon States to place fissile material designated as no longer required for military purposes under IAEA safeguards, to ensure that this material remains permanently outside of military programmes under an FMCT.

Preoccupations were expressed about possible overburdening of the existing IAEA safeguard regime. Those that advocate a robust verification system under an FMCT believe that IAEA safeguards measures like the Comprehensive Safeguards Agreements and the Additional Protocol would provide a good basis for the considerations of a future verification system of an FMCT. Additional obligations would not, in principle, be imposed on non-nuclear-weapon States which adopt both the Comprehensive Safeguards Agreement and the Additional Protocol. It was argued that the IAEA has the means to do reliable verification without disclosing sensitive information. Some documents indicate moreover that production of fissile material for naval propulsion is not forbidden under the NPT even to non nuclear weapon States.

The IAEA was invited and made a presentation to the CD on 24 August 2006.

#### **vi. Transparency**

The issue of transparency in nuclear weapons is a key component of the disarmament discourse. We have dealt with it under item 1 and item 7 of the agenda. It has been the object of UN resolutions. We should focus here on the fissile material related aspects. We all know the NPT non nuclear-weapon States are supposed to submit all their nuclear installations and fissile materials under IAEA Safeguards. This includes plants for enrichment and reprocessing which are relevant for an FMCT. Additional Protocols create further restrictions and require additional transparency, such as declaring all new nuclear materials and facilities which subsequently become subject to the terms of the Safeguard agreement. It is not envisageable that an FMCT would entail further transparency requirements for NPT non nuclear-weapon States. Further transparency -this is my understanding- would be expected from States which have nuclear military capability. NPT nuclear-weapon States do not have similar obligations under the NPT- IAEA Safeguards regime. In some cases they have offered, on a voluntary basis, that IAEA safeguards may be applied to all or part of their civil nuclear activities.

Some nuclear-weapons States have produced comprehensive histories of their military plutonium production. In 1997 nine countries (BELGIUM, CHINA, FRANCE, GERMANY, JAPAN, RUSSIA, SWITZERLAND, USA AND UK) also agreed on a series of civil plutonium management guidelines that require annual reporting on plutonium holdings.

Some delegations indicated in CD documents that transparency on the issue of fissile material could play an important role as a confidence building measure. The collection, updating and release of information about the size of fissile materials inventories by nuclear-weapon states is seen by some countries as a step necessary in addressing the issue of excess stocks.

## **vii. Compliance and verification**

Most, but not all, disarmament treaties, be they multilateral, plurilateral or bilateral, have provision for a multilateral verification regime to ascertain compliance. Moreover some States have also the possibility of employing national means of verification.

Based on CD documents presented so far, it can be said that there is of course no opposition whatsoever to the fact that an FMCT should be complied with. Some member States indicate that an FMCT should, in any case, include a commitment to negotiate verifiability.

No member state seems to be contrary in principle to verification in itself. What is put into question is the feasibility, effectiveness and costs of FMCT verification (CD/1771). Two CD documents (CD/1777 and CD/1782) omit international verification provisions, because the authors believe that “effective verification” of an FMCT cannot be achieved. CD/1782 adds that “mechanisms and provisions that provide the appearance of effective verification without supplying its reality could be more dangerous than having no explicit provisions for verification. Such mechanisms and provisions could provide a false sense of security”.

No member State is on record for opposing discussion on verification in the framework of FMCT negotiations. The use of information obtained by national means and methods, the possibility of consultations regarding implementation and of a mechanism to address concerns regarding compliance is contemplated by the only FMCT draft treaty presented by a member State (CD/1777). It was also suggested (CD/1775) that the negotiation of verification measures can be conducted separately and subsequently to the acceptance of the basic political commitments of an FMCT, applying the NPT model. Some delegations declared that definitions cannot be established without dealing with the issue of verification. In its presentation to the CD on 24 August 2006, IAEA did not exclude the possibility of using verification systems similar to those applied under the safeguard regime. IAEA also indicated that it does not wish to prejudge the outcome of the discussion of such issue in the CD, but it is ready to assist in the process of further negotiations in whatever way is considered appropriate by States.

Verification is also widely discussed by specialized literature: a focused versus comprehensive approach to verification is widely debated among authors. But what is more relevant to this debate is the position of states.

### **viii. National implementation**

During the initial debate on possible sub-issues within FMCT, one Delegation suggested the inclusion of the issue of “national implementation” of an FMCT. Our understanding is that national implementation refers to all the national measures that States Party to such a treaty would adopt to implement it including in particular national legislation. The only document that mentions national measures is document CD/1777 in Article III para 1, when it indicates that “each party shall take the necessary measures to ensure that all persons and entities anywhere on its territory or in any other place under its jurisdiction or control do not produce fissile material for use in nuclear weapons or other nuclear explosive devices, and do not use fissile material produced after entry into force of this Treaty for that Party in nuclear weapons or other nuclear explosive devices”.

National implementation of disarmament treaties including criminal legislation has proven to be very helpful to promote the implementation of the same treaties. The concept as national means of verification can also be relevant to this argument.

### **ix. Settlement of disputes, entry into force, ratification and depositaries**

#### **a) Settlement of disputes**

CD document 1777 is the only document which specifically deals with settlement of disputes. It indicates the following steps: “a) Any questions that arise regarding the implementation by a Party of the provisions of this Treaty shall be addressed through consultations between that Party and the Party or Parties seeking clarification; b) In addition, any Party may bring to the attention of the Parties to this Treaty concerns regarding compliance with the provisions of the Treaty by another Party or Parties and may request the depositary to convene the Parties to the Treaty to consider the matter; c) If, in connection with the implementation of the Treaty, any Party believes that questions should arise that are within the competence of the UN Security Council as the organ bearing the main responsibility for the maintenance of international peace and security, that Party may request consideration of such questions by the Security Council. The requesting Party should provide evidence related to the matter”.

#### **b) Entry into force**

According to document CD/1777, the treaty shall enter into force on the date on which an instrument of ratification has been deposited by the five nuclear weapon States. Document CD/1773 indicates that entry into force provisions should make a treaty credible and meaningful. The rationale for subordinating entry into force to ratification by a number of countries is to allow entry into force after reaching a “critical mass” of parties, which

would make the treaty and its entry into force credible. The rationale for establishing a list of significant countries the ratification of which is necessary for the entry into force is to make the treaty meaningful.

c) Ratification

Document 1777 suggests the standard norm that the treaty shall be subject to ratification by States signatories in accordance with their respective constitutional processes. The relative instruments would be deposited with the depositary States.

d) Depositaries

They are not identified in document CD 1777. According to article V the depositaries shall inform all States signatories and acceding States promptly of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of the treaty and of any amendments and changes thereto, and the receipt of other notices. This seems a standard provision.

**x. Duration and withdrawal**

a) Duration

The only provision on duration of an FMCT is contained in article VII para 2 of the document CD/1777, which indicates a duration of 15 years from the entry into force. It also indicates that: “No later than six months before the expiration of the treaty, the Parties shall meet to consider whether it will be extended. By consensus of the Parties, this Treaty may be extended”.

Existing documents indicate the irreversibility of FMCT commitments as a key feature of a possible treaty. The compatibility of these two concepts deserves attention. The issue of duration should also be seen in connection with duration of other treaties. For instance, the NPT had an initial duration of 25 years.

Article VII para 2 also indicates that consensus of the Parties would be needed for an extension. It is known that NPT required a simple majority for its extension.

b) Withdrawal

According to international law, any State is, in principle, entitled to withdraw from a Treaty, by following the withdrawal procedure of such Treaty. Document CD/1777, article VII states that “each Party has the right to withdraw from the treaty, if it decides that

extraordinary events, related to the matter of the treaty, have jeopardized its supreme interests, by giving notice of such withdrawal in writing to the depositary, no less than three months in advance of the date of withdrawal from the treaty. Such notice shall include a statement of the extraordinary events that the notifying Party regards as having jeopardized its supreme interests”.

We have witnessed in recent years to some instances of withdrawal. I wonder if we can draw some lessons and conclusions for an FMCT.

**xi. Eligibility for signature and arrangements for accession after entry into force.**

No document other than 1777 addresses this question. According to article IV para 1, the treaty shall be open for signature until its entry into force. According to article IV para 2, the treaty shall remain open at any time for accession by States that have not signed it. No specific requirement is contemplated by the draft for signature or accession. These seem standard provisions.

**xii. Review and amendment procedure**

No specific provision on review or possibility of amendments are contained in any CD document.

a) Review

This seems an important issue, which is relevant to follow up, implementation and compliance. We know that most disarmament treaties have either a specific implementation mechanism, OPCW, CTBTO, IAEA, or at least a review (BTWC) mechanism. Some have both. Some have none. The risk in this case is that the treaty might fall into oblivion.

b) Amendment procedure

In CD/1777 (Article V, paragraph 2) amendments are mentioned in connection with the duties of the depositary (in connection with the duty to inform States Party of amendments), but no provision exists on how these amendments could be made.

Amendment procedures could be envisaged according to procedures to be agreed upon. This needs to be further discussed.

(Annex 5)

**Conclusive Synthesis by Ambassador Carlo Trezza,  
on Agenda item 2 during the 2007 CD session**

**Thursday, 8 February (morning):**

**1) Identification of issues falling under item 2 of the Agenda.**

During the first session, dedicated to the identification of issues falling under item 2 of the Agenda, it was noted that the incumbent president had indicated in CD/2007 Conference Room Paper n.3 of 2 February 2007 (indicative timetable of formal and informal meetings of the CD) that “for practical reason the topic of FMCT will be discussed under agenda item 2”. No objection was expressed. Two Delegations indicated that, another issue, namely a possible Convention for the elimination of nuclear weapons, could fall under item 2.

**2) General discussion on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.**

The general discussion on an FMCT was intensive and constructive. Some Delegations recalled previous UN, CD, NPT documents regarding FMCT. For many Delegations a negotiation focused on fissile material production, ranks high among the CD priorities. The relevance of such a Treaty for the incoming NPT Review process as well as for a possible discipline of the nuclear fuel cycle was also mentioned. The existing unilateral moratoria on fissile material were mentioned with appreciation. Three delegations indicated a preference to engage in a debate under the denomination: Fissile Material Treaty.

**Thursday, 8 February (afternoon):**

**3) Consideration of sub-issues to be dealt with within a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.**

No objection was raised to the draft outline for discussion which had been submitted by the coordinator and which had been previously accepted by the 6 Presidents. One Delegation suggested the addition of “National Implementation” as a sub-issue. One group of countries proposed Review and Amendment Procedure and Eligibility for signature and arrangements for accession after entry into force. The outline for discussion has been updated accordingly.

i) Purposes and possible preamble of an FMCT: CD/1549-CD/1551/CD/1590-CD/1614-CD/1714-CD/1719-CD/1772-CD/1774-CD/1775-CD/1776-CD/1782-CD/1794.

No objections were raised to the drafting of a possible preamble of a Treaty. Most existing disarmament Treaties contain a preambular paragraph. Such a preamble could indicate the purposes of a possible FMCT, the principles on which it is based and possible reference documents. The prevailing general view was that such a question could be better discussed at a later stage.

ii) Definitions: CD/1516-CD/1671-CD/1714-CD/1734-CD/1771-CD/1774-CD/1775-CD/1777.

The definitions of fissile material for use in nuclear weapons or other nuclear explosive devices contained in document CD/1777 were the main object of discussion. It was noted that such definitions coincide with the IAEA definitions. Some delegations indicated that such definitions should be updated. The possibility of including materials, other than plutonium and uranium, as fissile material to be subject to the Treaty was discussed. There was a general feeling that definitions should be further discussed by experts.

iii) Scope: CD/1614-CD/1671-CD/1676-CD/1701-CD/1714-CD/1771-CD/1774-CD/1775-CD/1777.

It was noted that the issue of the scope of a Treaty had to do with other existing sub-issues: definitions, stocks, and even compliance and verification. It could however encompass additional aspects such as transfers of fissile material, assistance in production, accountancy, disposition of excess fissile material, decommissioning of production facilities.

**Friday, 9 February (morning):**

iv) Production of fissile material for non-explosive purposes: CD/1516-CD/1671-CD/1719-CD/1774-CD/1775.

It was generally accepted that only fissile material for use in nuclear weapons or other nuclear explosive devices should fall within the scope of a Treaty. Naval and maritime propulsion, space propulsion, civil research reactors should in principle be exempted. The necessity of defining “nuclear weapons” and “nuclear explosive devices” was mentioned by some delegations in this context.



v) Existing organizations: role of the IAEA: CD/1614-CD/1671-CD/1707-CD/1714-CD/1734.

Several Delegations advocated the involvement of the IAEA in future CD deliberations on FMCT in particular with regard to definitions, stocks and verification. It was recalled that an IAEA representative had been invited to the 2006 session. No objections were expressed to renew such an invitation in 2007. The possible invitation of competent regional bodies such as e.g. EURATOM, ABACC, etc. was also suggested.

**Monday 5 March (afternoon):**

**4) Discussion on possible other issues under item 2 of the Agenda**

No other issue was raised under this item on this occasion.

vi) Transparency: CD/1485-CD/1516-CD/1578-CD/1590-CD/1770-CD/1774.

It was recognized that transparency measures are related to the issues of stocks and verification. The existing IAEA safeguard regime for non nuclear-weapons States and for nuclear-weapons States were recalled. Transparency on fissile material inventories already in place by nuclear weapon States was seen by many as a significant confidence building measure. Publication of data on production, decommissioning or conversion of production facilities were also indicated as concrete transparency measure. Similarly, confirmation that fissile material declared as excess is not reverted back to weapon purposes was seen as a step for building confidence. Transparency measures on fissile material already undertaken by some NWS was noted with appreciation.

vii) Stocks: CD/1485-CD/1516-CD/1545-CD/1671-CD/1691-CD/1705-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777.

Useful clarifications were made on the issue of stocks. Several delegations indicated that monitoring variations of stocks could be an appropriate way to assess compliance with the treaty. Previous examples of monitoring of existing stocks of fissile material including material considered as excess of that identified for nuclear weapons were recalled. Different views were expressed on whether an FMCT should refer to past, present or future production. The problem of confidentiality on sizes, location and final destination of stocks was mentioned. The issue of stocks was seen by one delegation as pertinent to possible regional or international balances in nuclear arsenals.

**Tuesday, 6 March (afternoon):**

viii) Compliance and verification: CD/1516-CD/1578-CD/1590-CD/1614-CD/1671-CD/1691-CD/1709-CD/1714-CD/1770-CD/1771-CD/1774-CD/1775-CD/1777-CD/1782.

Verification remains a complex and difficult issue. No Delegation seems to oppose dealing with such an issue in a negotiating framework. The principle of verifiability “per se” was not challenged but rather its feasibility and effectiveness, including from the point of view of costs. Many Delegations believe that the key provisions of an FMCT should be subject to verification. The IAEA safeguards system was recalled as one - but not necessarily the only - instrument to ensure verification. The question of national versus multilateral means of verification was raised. The possibility of addressing this issue at expert level was also discussed.

ix) National implementation CD/1777.

The issue of national implementation was raised by one delegation. It was recognized that it would be pertinent to an FMCT Treaty and that national legislation could include administrative and criminal provisions. The establishment of a national authority and national points of contact or of focal points was also debated.

x) Settlement of disputes, entry into force, ratifications and depositaries: CD/1714-CD/1773-CD/1777.

For some Delegations, settlement of disputes is linked to the issue of compliance. They consider the relevant provisions contained in art. 3, paras 3, 4, and 5 in document CD/1777 mostly as a compliance mechanisms. The role of the Security Council as an instrument to ensure compliance and to deal with settlement of disputes was also discussed.

Entry into force: CD/1773 – CD/1777

Entry into force was recognized as a delicate issue which needs further deliberations. It was noted that a balance should be kept between the necessity to reach a “critical mass” of ratifying countries on one hand, and of the advisability –on the other- of ensuring the credibility of the Treaty and its entry into force through the involvement of all relevant countries. The experience of other similar treaties should be taken into account also in order to prevent long delays in the entry into force.

**Wednesday, 7 March (afternoon)**

xi) Duration and withdrawal: CD/1777.

It was noted that document CD/1777 indicates a duration of 15 years. Other similar treaties foresee a longer duration. It was also noted that NPT extension had to be agreed according to a majority criteria, whereas an FMCT -according to document CD/1777- would be extended by consensus.

It was noted that a withdrawal clause is a standard practice in disarmament treaties. The experience of recent withdrawal cases from other treaties could be taken into account.

xii) Eligibility for signature and arrangements for accession after entry into force: CD/1777.

According to document CD/1777, the Treaty shall remain open for accession at any time by States that have not signed it. No specific requirement is contemplated by the document for signature or accession. This seems to be a standard clause.

xiii) Review and amendment procedure.

The possibility of including a review process in the Treaty, in analogy with other disarmament treaties, was discussed. The purpose of such a process would be to ensure continuity, compliance and implementation as well as adaptation to the possible evolutions in the technical field. The periodicity of this review deserves further discussion. Several options of review on follow up procedures were indicated. Much would depend on the final nature of the Treaty. Amendment procedures could be envisaged according to procedures to be agreed upon.

**5) Assessment of work done, next steps and future plan for part II.**

Deliberations under agenda item 2 were clearly focussed on a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. They took place in a cooperative, constructive and interactive atmosphere with wide participation of Delegations, including experts from capitals. The large number of documents previously presented, including the draft text of a possible Treaty (CD/1777), were the principal terms of reference for deliberations. Some delegations have announced the presentation of further CD documents. There was a common understanding that deliberations on FMCT should continue also in Part II of the 2007 CD Session. A reference was made by two delegations to the 1995 report. Many Delegations indicated that an FMCT was now ripe for immediate negotiations. The necessity of keeping a balance with other issues to be dealt with in the CD was also recalled. No contrary view was expressed to allocate appropriate additional time to the FMCT issue during Part II of

this year's CD deliberations and to the inclusion of experts in CD delegations. No objections were raised to extend invitations to competent international organizations (IAEA) and possible regional structures, to deal in particular with the issue of definitions of fissile material but also on issues such as stocks. The presence of legal experts was also advocated.

Annex III

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 3**

**entitled**

**"Prevention of an arms race in outer space"  
submitted by the Co-ordinator on agenda item 3  
Ambassador Paul Meyer of Canada**

**The following is my assessment of the two rounds of informal discussions on PAROS and the way forward from my perspective as Coordinator for the agenda item three, entitled: “Prevention of an arms race in outer space”.**

While participation in the informal meetings was not as wide spread as I would have liked, key concerned delegations were active and certain broad themes were generally supported. I also took into account relevant working papers and plenary statements on this subject that delegations have made.

My preliminary conclusions on the results of the informals to date, which I shared with delegates at the end of the March 9 meeting, were as follows:

1. While there is wide support for existing accords relevant to outer space security, there is recognition that their implementation and universalisation could be improved or enhanced. Many states believe that additional measures and/or agreements would help ensure the continued peaceful use of outer space for the benefit of humanity.
2. There was considerable interest by delegations in the contribution that transparency and confidence building measures could make in this regard. Several specific proposals were discussed. It was noted that such TCBMs could be complementary to eventual international legal instruments regarding PAROS.
3. The elements of a treaty for the prevention of placement of weapons in outer space (CD/1679) were reviewed in a comprehensive manner with the authors of the text providing further explanations and several delegations providing comments and/or questions regarding its contents.
4. While respecting their distinct mandates, there was wide support for establishing a dialogue between the CD and COPUOS on matters of common interest. Several delegates suggested that CD members could benefit from a briefing from the COPUOS chair or his representative.

In terms of a way ahead for consideration by the six Presidents, I would see two basic possibilities: either the establishment of an Ad Hoc Committee on PAROS with a mandate similar to that of the A5 proposal or the continuation of informal work on the draft treaty on the prohibition of the placement of weapons in outer space (CD/1679) coupled with further consideration of proposals for transparency and confidence building measures (CD/1778 and CD/1815 refer). In either case, I think PAROS is widely seen as one of the "core issues" which the CD will have to take up as part of its return to substantive work.

I remain at the disposal of the P6 for any further work on this issue that they may wish to assign me.

Paul Meyer

Ambassador and Permanent Representative to the Conference on Disarmament  
Coordinator for CD Agenda item #3 on PAROS

Annex IV

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 4**

**entitled**

**"Effective international arrangements to assure non-nuclear-weapon States against the use  
or threat of use of nuclear weapons"  
submitted by the Co-ordinator on agenda item 4  
Ambassador Carlos Paranhos of Brazil**



**Report on Negative Security Arrangements – NSA by the Coordinator,  
Ambassador Carlos da Rocha Paranhos, of Brazil.**

1. In line with the organizational framework based on the proposal by the six Presidents of 2007, two rounds of deliberations on Agenda item 4, “Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of use of nuclear weapons” took place on February 15 and 16, and on March 12 and 13 respectively under the facilitation of the Coordinator.
  
2. In accordance with the work plan proposed by the Coordinator (attachment 1), the discussions during this first round of informal consultations on NSA were centered on an overview of the existing framework, and on the interpretation and clarification of some key elements, like nature of the existing commitments, definition of aggression etc. In particular, the debate encompassed the following issues:
  - (a) the existing legal framework for NSA:
    - (i) United Nations Security Council Resolution 984 (1995);
    - (ii) Declarations of Nuclear Weapon States;
    - (iii) Protocols to the Nuclear-Weapon-Free-Zone Treaties and their interpretative Statements, with a discussion of common and distinctive elements; in this connection, issues such as the notions of “aggression”, “deterrence”, and others were also addressed.
  
  - (b) new developments:
    - (i) Results of the NPT Review Conferences of 1995 and 2000;
    - (ii) UNGA Resolutions on NSAs;
    - (iii) Report of the Commission on Weapons of Mass Destruction and its recommendations.
  
3. The second round of informal consultations was originally planned to concentrate on the examination of possible proposals of elements that might be included in any new international arrangement(s) on NSA. However, on the basis of the discussions held in the first phase and taking into account the sensitivity and complexity of the NSA issue and the apparent lack of consensus at this stage to engage in more specific discussions on the question of a multilaterally legally binding instrument, the Coordinator decided to dedicate the second round on additional meetings to revisit the issues debated in the first round. In particular, he organized the discussions in four different clusters: (i) Nuclear-Weapon-Free-Zones; (ii) Global Legally-

Binding NSA; (iii) Other questions; and (iv) Towards an Ad Hoc Committee of the CD on NSA. A paper with issues and questions to be discussed was also circulated (attachment 2) and welcomed by all as a useful road map for the future deliberations in the CD.

4. Besides the debate held on the four clusters above, the Coordinator also invited two eminent experts to address the plenary on March 13: Professor Jozef Goldblat, Senior Resident Fellow, UNIDIR, and Dr. Patricia Lewis, Director of UNIDIR. Both experts enriched the debate with thought provoking questions, which were pursued in the course of the discussion on NSA (attachments 3 and 4).

5. Although not a new topic for the CD, the discussions on NSA turned into a fair, interactive and open exchange by all, both NWS and NNWS, on the current approaches to and interpretations of NSA putting together old perspectives and new thoughts. The discussion was not, however, conducive so far to bridging the existing gaps and building an agreement on NSA. The Coordinator's personal assessment of the deliberations is as follows:

- a. The debate clearly indicated the importance of the issue of NSA in the context of non-proliferation and nuclear disarmament. In particular, it was underlined that those who had agreed formally to renounce nuclear weapons are entitled to legally-binding commitments by the NWS that they will not be subject to the use or threat of use of nuclear weapons;
- b. The debate reconfirmed the persistence of the existing divergences on what would be the best possible approach to advance NSA: pursuing with the existing practice combining the unilateral declarations as noted in UNSC Res. 984, and the legally binding assurances provided through the nuclear-weapon-free-zones (NWFZs), or establishing an internationally negotiated, universal, and unconditional legally binding agreement on NSA;
- c. The debate indicated that UNSC Res. 984 is an important step forward by the NWS, and reconfirmed the importance of the nuclear-weapon-free-zones (NWFZs) for ensuring NSA. It also underlined the limitations of each of these avenues and the prevailing feeling of dissatisfaction by the NNWS with the existing framework for NSA, especially with regard to their geographic limitation, conditionality, legal nature and real added value.
- d. Notwithstanding their assessment of the efficiency of the current NSA framework, a clear majority of CD member states expressed the view on the need for a global legally-binding instrument to assure NNWS against the use or threat of use of nuclear weapons

to be negotiated. The debate also showed out divergent views on what would be the most appropriate forum to deal with NSA (CD or NPT);

e. The debate showed different interpretation of some key notions in relation with NSA, such as aggression, self-defense, etc., as well as of the legal status of the existing unilateral declarations of the five NWS and the necessity of their reconfirmation.

6. Against this background, the Coordinator would like to recommend as follows:

a. A more structured round of substantive discussions on NSA should take place during the next session of the CD, based on a revised list of questions, with a view to build upon the 2007 discussions and to try to overcome the existing differences. Meanwhile, consultations on the various issues related to NSA, including on the topics to be included in a revised list of issues and questions should continue;

b. Future discussions should address possible elements, scope, potential beneficiaries and providers of NSA, form and forum of a legally binding treaty on NSA;

7. The Coordinator takes this opportunity to recall the A-5 (CD/1693/Rev.1) and the Amorim proposals (CD/1624) on a mandate for an ad hoc committee on NSA: “The Conference establishes for the duration of the current session an Ad Hoc Committee under agenda item 4 entitled ‘Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons’, to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These arrangements could take the form of an internationally binding instrument.”

(Carlos Antonio da Rocha Paranhos)

Ambassador,

Deputy Permanent Representative of Brazil, in charge of Disarmament

### **Attachment 1: Proposed work plan**

#### **Agenda item 4: “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”.**

**Coordinator: Ambassador Carlos Antonio da Rocha PARANHOS (Brazil)**

Objective: the purpose of these informal sessions would be to allow Member States an exchange of views, taking into account the need to build on the foundations of previous work on NSAs, on how this present session of the CD should address the issue of “effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons”.

#### **Week 4**

##### **Thursday, 15 February:**

10h00 - Overview, taking stock of the issue: the coordinator will invite delegations to present their views on the existing framework providing assurances to non nuclear weapon States and on how best to address agenda item 4 during the present session of the CD.

15h00 – The second informal session could be devoted to a more focused discussion of the nature and scope of existing negative security assurances. In this context, the following list of issues, indicated in document CD/1554 (1 September 1998), which contains the Report of the Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, might be considered by CD members:

- United Nations Security Council Resolution 984 (1995)
- Declarations of Nuclear-Weapon States
- Protocols to the Nuclear-Weapon-Free-Zone Treaties and their interpretative statements

(a) Common and distinctive elements

(b) Needed clarifications: invasion; aggression; attack; dependent territories; security commitment; association or alliance

(c) New developments:

- Results of NPT Review Conferences of 1995 and 2000
- UNGA resolutions on NSAs
- Report of the Weapons of Mass Destruction Commission and WMDC recommendations (document A/60/934)

**Friday, 16 February:**

10h00 – This third informal session would be devoted to the continuation of the examination of issues discussed in the previous session, focused on the identification of possible ways of advancing the issue of NSAs.

**Week 8**

**Monday, 12 March**

15h00 – On the basis of the discussions held during Week 4, Members would also be invited to present proposals or to indicate elements that might be included in any new international arrangement(s) on NSAs, with an indication of format and of forum in which the security assurances would be provided.

**Tuesday, 13 March**

15h00 – Continuation of the discussion on elements that might be included in any new international arrangement (s) on NSAs.

**Wednesday, 14 March**

15h00 – Assessment of work to date and next steps.

Attachment 2

I. NWFZs

- Several NWS have said that a NWFZ is the correct framework for granting NSAs.
  - What about States in regions where no zone is possible because of the existence of a NWS or a nuclear capable State?
  - Also, a nuclear umbrella has been mentioned in the context of discussions on nuclear disarmament, but how does this apply to NSAs?
  - How efficient is this framework if some of the zones have not entered into force and not all of the protocols to them have been ratified by NWS, or they have been but with reservations? One delegation has stated that around 100 countries are covered by NSAs through NWFZ treaties.
    - o However, only two of the treaties, the Treaties of Tlatelolco and Rarotonga, have entered into effect and have ratifications by almost all of the NWS of their protocols,
    - o Thus only 46 States are effectively covered by NSAs through NWFZs.

List of Countries that are members of the CD, but have not ratified the Treaty of Pelindaba:	1. Cameroon 2. Democratic Republic of Congo 3. Egypt 4. Ethiopia 5. Morocco 6. Senegal 7. Tunisia
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- Can a State be a member of more than one NWFZ?
  - o What about North African States that have signed the Treaty of Pelindaba, but want to be part of a Middle East WMD Free Zone?
- Will there be any discussions between the States that are members of the Central Asian NWFZ and the NWS on ratifying the protocols to the treaty?
- There was mention of the need for using the WMD Commission's recommendations for establishing NWFZs, but this is a relatively recent document so is there any prospect for the NWS ratifying the zones that were established before this report?

- What are the discussions/prospects for establishing NWFZ in other parts of the world, if this is perceived as the best way to go?

## **II. Global Legally-Binding NSAs**

- It has been mentioned that there is an issue with definitions for an agreement on NSAs
  - Who should give NSAs?
    - Only NPT NWS
    - All nuclear weapons possessors
  - Who should receive NSAs?
    - All NNWS members of the NPT
    - All NNWS members in compliance with the NPT
    - All
- Also, one delegation mentioned conditionality:
  - What would the NWS want from the NNWS to grant legally-binding NSAs, and what would the NNWS be willing to accept in order to get these NSAs?
- Malaysia mentioned negotiating NSA agreement that would take into account:
  - States that would receive NSA
  - States that would give NSA
  - Scope and nature of NSA
  - Elements that will need to be included
  - Format of NSA

## **III. Other Questions**

- Would legally-binding NSAs serve to improve the international security environment through building confidence?
- A few delegations have expressed the view that military doctrines and new types of nuclear weapons need to be taken into account when discussing NSAs.
  - What is the perceived effect that these doctrines and new types of weapons will have on the granting of NSAs?

- What is the effect of terrorism, especially nuclear terrorism, on NWS granting NSAs?
- Is there a real threat to NNWS from nuclear weapons, or is it a perceived threat as one delegation stated?
- What concrete steps could be taken to improve the international security environment that would complement, and/or facilitate legally-binding NSAs?
- The issue of proportionality of response has been brought up by one delegation (Cuba). Would it be inconsistent to respond to a conventional attack with a nuclear weapon?
- Some delegations have mentioned the need to focus on a pragmatic, or practical, approach.
  - What does this entail?
  - What are some preliminary steps that could be taken?

#### **IV. Towards an Ad hoc Committee of the CD on NSA**

- Several delegations have suggested the creation an ad hoc committee to discuss a global NSA agreement and possibly conduct negotiations
  - What questions would the ad hoc committee discuss?
  - What would be their mandate?



(Attachment 3)

**Jozef Goldblat**  
**NSA for CD**  
**13 March 2007**

Thanks for the invitation to speak on a subject I have been studying for many years.

First, allow me to correct certain inaccuracies. There is a tendency to consider Negative Security Assurances as a measure linked directly, if not organically, with the Non-Proliferation Treaty. This is wrong. The idea of not using nuclear weapons against denuclearized regions is much older than the NPT. It was launched many years earlier. In 1968 a conference of non-nuclear-weapon states was convened to obtain a formal non-use pledge from the big powers. Such a pledge would have been a desirable companion of the NPT. But the conference failed.

Incorrect is also the belief that the non-use postulate can be met through additional protocols to treaties establishing nuclear-weapon-free zones. In fact, only the protocols to the 1968 Treaty of Tlatelolco have entered fully into force. And this happened several decades after its signing. The protocols related to the 1985 Rarotonga Treaty and to the 1996 Pelindaba Treaty have not entered into force. The protocol to the 1995 Bangkok Treaty has not been signed, whereas that related to the 2006 Semipalatinsk Treaty has not been agreed upon. Almost all signatories to the additional protocols have made interpretative statements equivalent to reservations. Some of them contradict the basic provisions of these protocols.

To use or not to use nuclear weapons against any country is a problem of a global nature rather than regional. The proper forum to deal with it is, therefore, this Conference. It is here that the issue of NSA figures on the agenda. And it is here that the nuclear-weapon powers have chosen to submit a formula for NSA. However, this formula, included in the unilateral statements made in April 1995 by France, Russia, the United Kingdom and the United States, was never a matter of multilateral discussion or even consultation with other members of the CD. Of the nuclear weapon states, parties to the NPT, only China undertook not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones under any circumstance.

The statements of the four powers I have just mentioned were subsequently incorporated in the UN Security Council Resolution 984, but since they originated in the CD, they ought to be considered in the CD with a view to reaching a consensus document. Such has been the procedure ever since the establishment of the CD.

In the first place there is a need to clarify the conditions that must be met to render the existing assurances valid, as well as the exceptions that render them invalid.

According to the present formulation of the NSA, the nuclear-weapon powers would be free to use nuclear weapons against any non-nuclear-weapon state in case of an attack on them or their allies, carried out or sustained in association with a nuclear-weapon state.

In this connection the following questions arise:

- \* Should a state that possesses nuclear weapons have the right to employ them pre-emptively, that is, in anticipation of an attack, or only after the attack has actually occurred?
- \* Should a nuclear response to an attack committed with chemical or biological weapons differ from a response to an attack committed with conventional weapons.
- \* What does the "association" of the attacking state with a nuclear-weapon state mean when it invalidates the NSA? Does it mean direct participation in hostilities or only supplies of arms and/or other military or non-military assistance?
- \* Is the right of self-defence limited by the international humanitarian law of armed conflict, in particular, by the requirement of proportionality?
- \* In case of a total ban on use of nuclear weapons, would retaliatory use against a violator of the ban be considered a breach? If not, should only first use be prohibited?
- \* Should the revised NSA be incorporated in a new SC resolution, the binding force of which is in doubt, or in a legally binding instrument, such as a convention?

#### **A general remark**

The question of who should "give" the NSA will not arise if the NSA measure takes the shape of a treaty open for signature or accession by all states, whether or not they possess nuclear weapons. Just as the Partial Test Ban, which is adhered to by all states, whether nuclear or not nuclear.

(Attachment 4)

### **Negative security Assurances**

**Professor Jozef Goldblat, Senior Resident Fellow, UNIDIR**

**13 March 2007**

As a point of departure for the debate:

- The statements on negative security assurances (NSA) agreed to by France, Russia, the United Kingdom and the United States, and made in the CD without formal consultations with other CD members.

These statements were subsequently incorporated in the UN Security Council Resolution 984, but since they originated in the CD they ought to be discussed in the CD with a view to reaching a consensus document. In the first place, there is a need to clarify the conditions that must be met in order to render the existing assurances valid, as well as the exceptions that render them invalid.

According to the present formulation of the NSA, the four nuclear-weapon powers, enumerated above, would be free to use nuclear weapons against any non-nuclear-weapon state in case of an attack on them or their allies, carried out or sustained in association with a nuclear-weapon state.

In this connection the following questions arise:

- Should a state that possesses nuclear-weapons have the right to employ nuclear weapons pre-emptively, that is, in anticipation of an attack, or only after the attack has actually occurred?
- Should a nuclear response to an attack committed with chemical or biological weapons differ from a response to an attack committed with conventional weapons?
- What does the "association" of the attacking state with a nuclear- weapon state mean when it invalidates the NSA? Does it mean direct participation in hostilities or only supplies of arms and/or other military or non-military assistance?
- Is the right of self-defence limited by the international humanitarian law of armed conflict, in particular, by the requirement of proportionality?
- In case of a total ban on use of nuclear weapons, would retaliatory use against a violator of the ban be considered a breach? If not, should only first use be prohibited?
- Should the revised NSA be incorporated in a new SC resolution, the binding force of which is in doubt, or in a legally binding instrument, such as a convention?

Note: China undertook not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones under any circumstance.

Annex V

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 5**

**entitled**

**"New types of weapons of mass destruction and new systems of such  
weapons; radiological weapons"  
submitted by the Co-ordinator on agenda item 5  
Ambassador Petko Draganov of Bulgaria**

**Report to the 2007 Presidents of the Conference on Disarmament  
by Ambassador Petko Draganov of Bulgaria, Coordinator on Agenda Item 5  
"New types of weapons of mass destruction and new systems of such weapons;  
radiological weapons"**

In my capacity as coordinator on CD Agenda Item 5, "New types of weapons of mass destruction and new systems of such weapons; radiological weapons", I have the honour to report on the work done in 2007.

In preparation for the first informal meeting on February 19th, 2007 I held a round of informal consultations with the majority of CD member states. The purpose of the meeting itself was to engage the debate by sharing general observations as well as specific remarks and suggestions with the view to identify the most appropriate way to deal with Item 5 and related matters.

Drawing from the contributions made by delegations at that meeting I listed as relevant the following topics in an informal "bullets paper":

- A Radiological Weapons Ban;
- The so called "Dirty bomb" threat;
- State actors/actions and non state actors/actions;
- The role of the IAEA and international assistance;
- Effectiveness of the existing international instruments;
- The threat of radiological terrorism;
- A Universal International Agreement to Ban the Development and Manufacture of New Types and Systems of WMD (the preventive approach);
- Definitions of new types and systems of WMD;
- The need to keep Item 5 under active consideration without prejudice to "more pressing" issues under Items 1 to 4;
- The appointment of a Special Coordinator on Item 5 once the CD has started substantial work;

The paper was distributed for consideration by delegations at the opening of the second informal meeting on Item 5, held on February 20th. One delegation made the observation that uranium munitions should also be included in this list of topics selected as relevant for further discussion during the second part of the CD.

At the third informal meeting on Item 5, held on March 16th I summed up the topics listed outlining three broader issues to cover all of the above, as follows:

- Radiological weapons;
- New types of weapons of mass destruction and new systems of such weapons;
- Procedural means of dealing with Item 5 once the CD has started substantial work.

No further observations were made and delegations approved by silence my suggestion to report to the 2007 Presidents of the Conference on Disarmament accordingly.

I received no request on any specific issue to be negotiated in the CD under item 5 in 2007.

Notwithstanding, it is my general conclusion at this stage that there is overall agreement to keep Item 5 under active consideration given that no prejudice is done to discussions and/or negotiations on priority issues related to Items 1 to 4 on the current Agenda of the CD.

Annex VI

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 6**

**entitled**

**"Comprehensive programme of disarmament"  
submitted by the Co-ordinator on agenda item 6  
Ambassador Makarim Wibisono of Indonesia**



**REPORT OF THE INFORMAL MEETING ON AGENDA ITEM 6  
"COMPREHENSIVE PROGRAMME OF DISARMAMENT"**

**Ambassador Dr. Makarim Wibisono**

1. The informal meeting of the agenda item 6 "Comprehensive Programme of Disarmament" was conducted in two rounds of meeting. The first round was concluded on 22 February and the second one was concluded on 20 March 2007.

2. During the first round of discussion the meeting managed to come up with a list of issues raised by member states, as follows :

- The universalisation of Ottawa Convention (Anti personnel landmines)
- Convention on Certain Conventional Weapons
- Mines other than Anti-Personnel Mines (MOTAPM)/AVL
- Cluster Munitions
- Discussion of possible elements of the establishment of an Arms Trade Treaty (ATT)
- Effort to curb the illicit and illegal transfer of the Small Arms and Light Weapons (i.e. illicit air transport of small and lights weapons) and ammunition.
- SALW (transfer controls)
- Issues which contribute to the Comprehensive Program of Disarmament.
  - Negative Security Assurances
  - Nuclear Disarmament
  - PAROS/PPWT
  - Confidence Building Measures (CBM)
  - SSOD 1
  - FMCT
- The issue of missiles in all its aspects
- The use of information and communication technology for military purposes which are contrary to the maintenance of international peace and security.
- Strengthening regimes of Non Proliferation of WMD and their means of delivery, including terrorism component.
- The appointment of Special Coordinator under agenda Item 6 once CD has started substantial work.
- Conventional arms control at the regional/sub-regional level

3. In the period between the two discussions, the Coordinator had also consultations with a number of CD members as well as with the Secretariat to seek further opinions on what steps to be taken with regard to the list.

4. During these consultations and at the second round of discussion the Coordinator proposed 3 alternatives on the status of the list:

- a. To try to identify and focus on one issue in order to have a more detail and in depth discussion;
- b. To try to shorten the list in order to avoid duplication and repetition;
- c. To convey the list as it is to the President.

5. Based on those consultations, the Coordinator has come up with the preliminary findings as follows :

- a. Alternative 1) seemed unlikely to be pursued further because of divergent of views of member states with regard to their respective priority.
- b. Alternative 2) is possible and may worth to try, even though it may not be easy.
- c. With regard to alternative 3), without prejudice to members' opinion or position in this regards, the list seemed to be exhaustive at this stage and seemed to be the most acceptable alternative to members of the CD.

6. Therefore member states expressed their wish that the list of issues would be better conveyed to the President as it is. It is hoped that the current list could seriously be taken into account in the future discussions of the agenda item 6.

7. As an agenda item which serves the purpose to accommodate any emerging issues, the list covers a broad range of issues, which to some extent had also been raised in other discussions under different agenda items.

8. At this juncture, it seems that 4 core issues of the Conference - namely Nuclear Disarmament, FMCT, NSA and PAROS -- have drawn larger attention of the member states.

9. However, it would also appropriate to use this agenda item as a testing ground for any possible new emerging issues. The meeting of this agenda item could also serve as a forum to discuss them and the list could also serve as the treasury for future discussions. Member states could make use of this forum to have an exchange of views or inform each other on the measures that have been taken and the possibility to moving them forward.

Annex VII

**Report to the President of the Conference on Disarmament on work done during the 2007  
session on agenda item 7**

**entitled**

**"Transparency in armaments"  
submitted by the Co-ordinator on agenda item 7  
Ambassador John Duncan of the United Kingdom**

## **Agenda Item 7: Transparency in Armaments**

**The following is submitted under the authority of Ambassador John Duncan, UK Ambassador for Multilateral Arms Control and Disarmament Affairs, in his capacity as co-ordinator for the Presidents of 2007 for agenda Item 7, "Transparency in Armaments".**

The sessions and work plan applicable to agenda item 7, are attached at Annex A. Out of these 6 sessions, the sessions on Wednesday 28th February and Friday 23rd March did not take place due to lack of substantive discussion on any of the issues raised.

The first part of the exercise was dedicated to stock taking of issues previously raised under agenda item 7 and the identification of new issues. Having ascertained the issues delegations had raised in the first part, a list of possible issues for the second part was compiled and used as a basis for further discussion. This is attached at Annex B.

The list at Annex B is of the list of issues raised by individual CD members, which might be usefully discussed in the CD, and is not in any particular order of priority. It is not a consensus list as a number of States expressed reservations about whether the CD is the correct forum for discussion of particular issues. Further debate and discussion will be required to deepen and broaden understanding of the issues, without prejudice to any final outcome, before a consensus will be possible on which issues could be taken forward and how the CD might provide added value.

### **Recommendation**

Many CD members consider that Item 7 remains relevant as an agenda item for the Membership to put forward information regarding their own policy and development on certain weapons, initiatives to increase the transparency in armaments and general information sharing.

I recommend to the P6 Presidencies for 2007 that the co-ordinator maintains his informal role under the Presidencies for the remainder of 2007 and continues to consult on the issues covered in the list.

I would suggest that there be 3 informal sessions during the second session of the Conference on Disarmament dedicated to this agenda item in order to allow CD members the opportunity to discuss the issues detailed at Annex B, or to raise new issues of concern.

If agreeable I would plan to produce a summary paper at the end of the second session of the Conference taking each of the issues in turn and identifying, where appropriate and on the basis of the discussions themselves, areas for further work.

J S Duncan

**Preliminary outline for discussions on Agenda Item 7: Transparency in Armaments**

**Co-ordinator: H.E. John Duncan,  
Permanent Representative of the United Kingdom to the Conference on Disarmament.**

Proposed Work Plan

Mon 26th Feb	Tues 27th Feb	Wed 28th Feb	Thur 29th Feb	Fri 30th Feb
Overview, Stocktaking	Stocktaking, identification of new issues	Stocktaking, identification of new issues		

Mon 19th Mar	Tues 20th Mar	Wed 21st Mar	Thur 22nd Mar	Fri 23rd Mar
			Identification of indicative issues for further discussion.	Identification and agreement on issues to be taken forward.
			Identification of indicative issues for further discussion.	

**Aims**

The process will be member driven and aim to identify priority issues, which are to be considered under agenda item 7. The first three sessions will review existing issues and any additional issues which delegations wish to raise. The last three sessions will aim to identify whether there is consensus for further action under any of these headings, and what form of action this may take.

**Issues that have previously been raised under Agenda item 7**

Between 1993 and 1994, the Ad Hoc Committee on Transparency in Armaments examined such issues as:-

- the excessive and destabilizing accumulation of arms;
- military holdings (organisation, structure, size);
- procurements through national production;
- the transfer of conventional arms (including codes of conduct);
- transparency in the transfer of high technology for military applications;
- transparency in the holdings of weapons of mass destruction;
- confidence building measures to promote TIA;
- the export of weapons, ammunition and other military equipment;
- regional cooperation in the area of transparency;

The last report of is contained in CD/1281.

**Item 7: Transparency in Armaments**

**Issues raised under this agenda item during the 2007 session:**

- An Arms Trade Treaty
  - Cluster Munitions
  - Man Portable Air Defence Systems (MANPADS)
  - Phosphorus Munitions
  - Regional measures to improve TIA
  - Scope of UN Arms Register
  - The principal focus of agenda item 7
  - The role of a Special Co-ordinator for this agenda item
  - Transfer Ban on Arms to Terrorists
  - Transparency in Nuclear Weapons
  - Universalisation and implementation of existing agreements and arrangements
-