
Conference on Disarmament

15 September 2017

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Letter dated 14 September 2017 from the Permanent Representative of the Republic of the Union of Myanmar to the Secretary General of the Conference on Disarmament transmitting the Report on the informal meetings on Agenda items 1 and 2 with general focus on nuclear disarmament

I have the honour to transmit herewith the report on the informal meetings on the agenda items 1 and 2 – Cessation of the nuclear arms race and nuclear disarmament and Prevention of nuclear war, including all related matters, with general focus on nuclear disarmament which was held from 8 to 10 August in Geneva.

I would be grateful if this letter and the attached document could be issued and circulated as an official document of the Conference on Disarmament.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Htin Lynn
Ambassador

Permanent Representative of the Republic of the Union of Myanmar

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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 general focus on nuclear disarmament

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 1 and 2 - Cessation of the nuclear arms race and nuclear disarmament and Prevention of nuclear war, including all related matters, with general focus on nuclear disarmament. These meetings took place on 8, 9 and 10 August in Geneva.

The meetings were 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. The discussion followed the structure as proposed by the facilitator in his letter of 2 August 2017.

During the meetings on 8 August 2017, the working group took stock of the progress made on nuclear disarmament. The debate was introduced by a presentation on “nuclear disarmament: its main legal underpinnings and possible future elements” by Ambassador Tim Caughley, Senior Research Fellow at UNIDIR and followed by a general exchange of views.

On 9 August, the working group identified issues for substantive work and taking into account the efforts and priorities of the international community. Delegations were invited to consider issues and priorities identified by United Nations General Assembly resolutions, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) processes, the Conference on Disarmament and other processes. The working group considered inter alia; how to move forward the multilateral approach towards a world free of nuclear weapons; identifying commonalities of issues and priorities on comprehensive approaches on the legal and institutional arrangements for substantive work; and how to narrow difference to secure common ground, including through comprehensive, inclusive, interactive and constructive approaches.

At its last meeting on 10 August, delegations were invited to consider inter alia establishing common priorities for substantive work; modalities to address common priorities for a programme of work with a negotiating mandate and steps for the way ahead.

General exchange of views

Delegations reconfirmed their commitment to the total elimination of nuclear weapons as the ultimate goal of the international community.

Delegations stressed that in order to achieve effective nuclear disarmament, political will is needed and some delegations called upon other delegations to demonstrate the necessary political will and flexibility to move the issue of nuclear disarmament forward.

It was noted that the international disarmament machinery does not operate in a vacuum, for this reason, some delegations were of the view that the current strategic context as manifested by increasing levels of global geo-strategic tensions is not conducive for nuclear disarmament. Others were of the view that the current security situation should compel the CD make progress on the issue of nuclear disarmament.

The priority assigned to nuclear disarmament by the First Special Session of the General Assembly devoted to disarmament (SSOD-I) was recognized by delegations and it was stressed by those delegations that the priority should be given to negotiating a legally binding nuclear disarmament instrument in a time-bound framework with specified deadlines to eliminate nuclear weapons.

Reference was also made to the 1996 Advisory Opinion of the International Court of Justice (Advisory Opinion of 8 July 1996 - I.C.J. Reports 1996, p. 226) following the request by the General Assembly of the United Nations on the question concerning the

Legality of the Threat or Use of Nuclear Weapons. It was noted that the Court unanimously decided that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

It was stressed that nuclear weapon possessing States have the primary responsibility for taking forward nuclear disarmament. It was added that States possessing the largest stockpiles should demonstrate leadership. In this context, the new Strategic Arms Reduction Treaty and its implementation were welcomed. At the same time calls were made for subsequent steps and further reductions.

Some nuclear weapon possessing States were of the view that those States possessing the largest stockpiles should make further reductions as the next step, while other Nuclear Weapon possessing States were of the view that a dialogue among all possessor States should commence at an early stage.

Concerns were expressed about the ongoing development and modernization of nuclear weapon and their delivery systems, as well as the rhetoric used by States possessing nuclear weapon, which could contribute to a new arms race and undermine international peace and security. It was pointed out that these developments negatively affect the prospects for nuclear disarmament.

Approaches to Nuclear Disarmament

Several approaches to nuclear disarmament were highlighted: 1) the comprehensive approach, with a comprehensive nuclear weapons convention, that includes a phased programme for the complete elimination of nuclear weapons within a specified time frame; and 2) an approach focusing on the legal provisions required for the achievement and maintenance of a nuclear weapon free world to be established in the framework of one or a set of legal instruments, such as the Treaty on the Prohibition of Nuclear Weapons; and 3) a progressive approach, which builds on previously concluded efforts and instruments through selecting pragmatic measures that lead to significant reductions in the numbers of nuclear warheads, and takes into account the dynamics of the surrounding security environment. In that context, reference was made to a discussion on the “building blocks” of a world without nuclear weapons.

Delegations welcoming the Treaty on the Prohibition of Nuclear Weapons, adopted by the General Assembly on 7 July 2017, highlighted the legal norm set by the Treaty, which in their view fills a legal gap left by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It was stated that the instrument will not undermine the NPT, but rather would reaffirm, complement, support and strengthen the it, including by facilitating the implementation of its article VI.

Delegations opposed to the Treaty on the Prohibition of Nuclear Weapons expressed their concern that the treaty would undermine the NPT and weaken the existing disarmament architecture as it creates in their view parallel obligations with existing instruments in the field on nuclear disarmament and non-proliferation. Some delegation stressed not to be bound by the Treaty, nor that it contributes to the development of customary international law in any matter.

During the discussions, some delegations identified the need to bridge the divide between States supporting and opposing the Treaty on the Prohibition of Nuclear Weapons in order to move forward.

Some delegations emphasized the need for urgent progress on nuclear disarmament, given the catastrophic consequences of a nuclear weapons detonation as was demonstrated during the conferences on the humanitarian consequences in Oslo, Norway, Nayarit, Mexico and Vienna Austria. They drew attention to the immense, uncontrollable capability and indiscriminate nature of a nuclear weapons detonation, whose devastating impact would reach well-beyond national borders and argued that the only way to guard against a nuclear weapons detonation - whether by accident, miscalculation or design – was to ensure the total elimination of nuclear weapons and the assurance that they will never be produced again.

Other delegations, whilst acknowledging the importance of the humanitarian dimension, highlighted the importance of security considerations, and underlined the need to foster international conditions in which the possession of nuclear weapons would no longer be seen as necessary or legitimate for the preservation of national and global security. Therefore, they argued in support of the progressive approach, in which pragmatic and concrete steps leading to the achievement of a world without nuclear weapons.

Steps toward nuclear disarmament

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was referred to by many delegations as cornerstone of the current nuclear non-proliferation and nuclear disarmament regime. Many delegations noted that the preservation of the current nuclear non-proliferation and nuclear disarmament regime is a collective responsibility. In this context, delegations called for the balanced implementation of all three pillars of the NPT.

Diverging views on the implementation of article VI of the NPT were expressed during the discussions. Some non-nuclear weapon States argued that the lack of implementation undermined the credibility of the NPT, while the nuclear weapon States were of the view that they were fulfilling their article VI commitments.

The point was made that the indefinite extension of the NPT does not grant nuclear weapon States the right to the indefinite retention of their nuclear weapons.

The continued validity of the “13 practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons” agreed in the Final Document of the 2000 Review Conference and the “64-point Action Plan” agreed in the Final Document of the 2010 Review Conference was noted by several delegations and calls were made for the urgent implementation of steps and actions outlined in the agreed outcome documents. While the importance of establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction was acknowledged by delegations, differing views were expressed as to the process on establishing such a zone.

A process for a legally-binding instrument to tally eliminate nuclear weapons in which negotiation and conclusion of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices was noted as a concrete step. Several delegations expressed their readiness to negotiate such an instrument within the CD, while at the same time different views on the scope of such a treaty as well as the negotiation mandate were expressed. In the absence of negotiations on a treaty, calls were made to maintain or declare moratoriums on the production of fissile material for nuclear weapons or other nuclear explosive devices. The need for addressing existing stockpiles in the context of a future fissile material treaty was highlighted. In this context, delegations considered the possibility of negotiations of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices without preconditions. Some delegations considered this step positively and expressed their support.

The establishment of the High-level Fissile Material Cut-off Treaty Expert Preparatory Group, established by General Assembly resolution 71/259 was also highlighted and delegations expressed the hope that their input would contribute to the work of the CD.

The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) was also noted as such a concrete step and delegations called upon the remaining so-called “Annex II States” to sign and ratify the CTBT without delay.

An international legally binding instrument on security assurances to non-nuclear-weapon States was also considered as a concrete interim measure pending the elimination of nuclear weapons. Several delegations expressed their readiness to negotiate such an instrument within the CD, while other delegations were of the view that further work was needed before the commencement of negotiations.

The role of verification and the need to the development of a verification regime for nuclear disarmament was noted and in this context delegations welcomed to the adoption of General Assembly resolution 71/67, establishing a group of governmental experts to

consider the role of verification in advancing nuclear disarmament. Reference was also made to the International Partnership for Nuclear Disarmament Verification Initiative.

Some delegations argued that while pursuing the goal of nuclear disarmament, confidence and transparency building measures should be pursued such as de-alerting, removal of fissile material from warheads, transparency visits, voluntary reporting as well as strengthening the domestic legal structure through the adoption of domestic legislatures in support of nuclear disarmament. It was added that these measures could contribute to creating the conditions necessary to move forward on nuclear disarmament.

Calls were made to further reduce the role of nuclear weapons in military doctrines. The point was also made that nuclear weapon possessing States should adopt a 'no-first-use policy' and that a legally binding treaty to this end could be concluded.

The way forward

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 disarmament, in particular in light of the recent developments in the field of nuclear disarmament. Discussions reveal that nuclear disarmament remains as the highest priority for a number of delegations.

On many fundamental issues, including the legal framework, the approaches to achieve nuclear disarmament, and the timing and content of the mandate to take forward the issue of nuclear disarmament in the CD, the Conference remains divided and further exploratory work is needed.

It became clear during the discussion that the issue of nuclear disarmament remains a priority of the CD Member States and that the issue warrants further consideration by the Conference during its 2018 annual session. Especially, as a further in-depth consideration of the different aspects of nuclear disarmament was not possible during these discussions due to time constraints. In this context, several delegations called for the adoption of a balanced and comprehensive programme of work, which needs to include nuclear disarmament.

Several delegations called for the establishment of a subsidiary body, as part of a balanced and comprehensive programme of work, to deal with nuclear disarmament. It was expressed that a future programme of work of the CD should be balanced while a fissile material treaty could be considered positively.

The point was made that the CD should consider the establishment of a group of scientific experts, emulating that of the CTBT negotiations, to work on the technical details and instrumentation needed for the verification of nuclear arms control and disarmament.