
Conference on Disarmament

14 September 2010

Original: English

Italy

Working paper

Revitalizing the Conference on Disarmament

- A.** 1. The stalemate in the work of the Conference on Disarmament that has lasted now for twelve years renders the need to give new life and political impulse to the Conference all the more urgent. It is, in fact, a task that can no longer be postponed.
2. The action should be directed in two general directions: the topics that should form the heart of the deliberations of the Conference and the rules that govern its work.
- B.** 3. The topics of nuclear disarmament and non proliferation should be addressed in the perspective of the long-term goal to make nuclear weapons progressively obsolete, in line with the aspiration of a nuclear-free world openly espoused by the President of the United States in April 2009 in Prague that Italy fully supports. Having thus set the long term objective, it is of the essence, in the shorter term, to make concrete and progressive steps forward, building upon the large political consensus which has emerged on the occasion of the adoption of the resolution 1887 (2009) of the Security Council of the United Nations, the Communique of the Washington Nuclear Security summit and the Action Plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).
4. Significantly, two items in the agenda of the Conference on Disarmament also appear in paragraphs 7 and 15 of the Conclusions and recommendations for follow on actions in the Final Document of the 2010 Review Conference of the Parties to the NPT, and they seem to fit the bill in this respect. Action 7 calls for the Conference on Disarmament to decide on effective international arrangements ... “not excluding an internationally legally binding instrument” to assure non-nuclear weapon States against the use of or threat from nuclear weapons. Action 15 reiterates the appeal to the Conference to begin negotiations on a Fissile Material Cut-Off Treaty (FMCT), in accordance with the Shannon Mandate dating back to 1995.
5. Restricting the potential targets through Negative Security Assurances (NSA) and drying up the supply of the fissile material for nuclear weapons or other nuclear explosive

devices through an FMCT will significantly reduce the role and the development of nuclear weapons.

6. As we know, FMCT has for many years been an item of “near consensus” within the CD. Informal consultations held in Geneva on the topic, in 2007 and 2009 coordinated by Italy and this year by Sweden, have confirmed this opinion. As of last year there is no longer even any controversy on whether the treaty should be verifiable or not as verification provisions are now universally accepted as an indispensable component of all international legal instruments concerning nuclear disarmament and non proliferation. The only serious outstanding issue is whether existing stocks of fissile materials should or should not be included in the provisions of an FMCT. The choice is, in reality, not as stark as it seems; a range of compromise solutions exists. Whether and to what extent to deal with stocks could be usefully discussed in the course of the negotiation. FMCT has been also the subject of UN General Assembly resolutions, including one last year adopted by consensus, leading us to assume that no parties to the CD object to the idea in principle. Actions 15, 16, 17 and 18 of the 2010 Review Conference of the Parties to the NPT Conclusions and recommendations for follow-on actions constitute a suitable additional basis to pursue FMCT in the Conference on Disarmament.

7. The question of NSAs is also increasingly viewed with favor by the CD. The task is facilitated by the growing number of nuclear weapon-free zones taking shape worldwide whose treaties offer useful precedent for further international efforts in this field. Actions 7, 8, and 9 of the 2010 Review Conference of the Parties to the NPT Conclusions and recommendations for follow-on action constitute a suitable additional basis to pursue NSAs in the Conference on Disarmament.

8. To add further strength to the decisions on NSAs and FMCT, the Conference on Disarmament’s program of work should provide for deadlines on the start of discussions and negotiations. In negotiating the program of work the Conference should also avoid the well-known temptation of entering into needless detail on the contents of its several items. The outcome of negotiations and discussions at the Conference should be up to their participants and preempting them is both unhelpful and potentially harmful.

C. 9. It is known that there are no procedural solutions to political problems. The Conference on Disarmament must, however, also revisit its rules of procedure if we want to ensure that political efforts result in practical results. This requirement has been manifest since May 2009 when the Conference managed to adopt by consensus a program of work, including negotiations on an FMCT, only to have it remain dead letter through lack of consensus on the procedural arrangements to bring it into effect.

10. Two aspects require further attention:

(a) The principle of consensus to agree on matters of substance in the Conference on Disarmament is essential and should not be questioned. The very nature of the work of the Conference and its relevance on matters of national security of its members confirm the need for this rule. However, procedural matters do not have the same importance as questions of substance and decisions on procedure should not be bound by the strictures of reaching consensus;

(b) The rule that the Conference on Disarmament must decide at the beginning of every year its Program of Work has increasingly appeared to be unjustified. It could become, in fact, a convenient instrument to withhold consent for the continuation of work in progress by blocking the adoption of a new program of work, thus bringing any further activity of the Conference to a halt. The way around this would be to provide for the

automatic renewal of a year's program of work unless the Conference members agree otherwise by consensus and adopt a new text.

- D.** 11. It would be useful that the High Level Meeting address the matters mentioned above, with a view to encouraging changes proposed in the rules of procedures of the Conference as proposed.
-