

# CONFERENCE ON DISARMAMENT

CD/1851

9 September 2008

Original: ENGLISH

---

**LETTER DATED 5 SEPTEMBER 2008 FROM THE PERMANENT  
REPRESENTATIVE OF PAKISTAN ADDRESSED TO THE  
SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT  
TRANSMITTING A PAPER ENTITLED “POSITION ON CD/1840”**

I have the honour to request that the enclosed paper entitled “Position on CD/1840” may kindly be circulated as an official document of the Conference on Disarmament and reflected appropriately in the Annual Report 2008 of the Conference to the United Nations General Assembly.

*(Signed):* Masood Khan  
Ambassador and Permanent Representative

## POSITION ON CD/1840

### Exploring consensus on a Programme of Work during 2008

1. On March 13, in an informal session, the President introduced the paper (CD/1840) for consideration with the assurance that every effort would be made to reach consensus through further consultations.
2. On March 18, the President of the CD said that CD/1840 was an attempt to integrate “the efforts of each and every CD-member to step up the work of the Conference and gain consensus on the way forward.”
3. On March 27, the President said that during the intersessional period consultations on the paper would take place “in the spirit of transparency, flexibility and compromise”.
4. On April 4, Pakistan sent a letter (CD/1843) to the President stating its position on the paper (CD/1840).
5. On May 26, the President gave the assurance that: “.... we remain especially open to suggestions any delegation may have on CD/1840 which they, after consultations with others, consider will bring us even closer to consensus.”
6. The Pakistan delegation stated its position and made suggestions on CD/1840 on March 13, June 17 and August 19. On all these occasions, Pakistan announced its intention to table amendments to CD/1840 and expressed its desire to engage with the Presidents and delegations to reach consensus.
7. On August 14, the President concluded that “the enhanced exchange of views afforded by our informal meetings have, so far, failed to ... reach consensus on our program of work.”
8. On August 26, the President stated that CD/1840 continued to generate support but did not achieve consensus.

### General Comments on the Proposal (CD/1840):

9. On March 24, 1995, Ambassador Gerald Shannon of Canada presented a report (CD/1299)<sup>1</sup>, which recorded the CD’s agreement to establish an Ad Hoc Committee on a “Ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.” Further, the Conference directed the Ad Hoc Committee “to negotiate a non-discriminatory,

---

<sup>1</sup> CD/1299, 24 March 1995, Report of Ambassador Gerald E. Shannon on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices.

multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”.

10. As to the questions of the scope of the Convention (proposed FMT), future and past production of fissile material, and management of such material, an additional agreement among CD members was recorded in the report stating that “the mandate for the establishment of the Ad Hoc Committee does not preclude any delegation from raising for consideration”<sup>2</sup> any of these issues.

11. Negotiations on FMT were started in 1998 on the basis of CD/1299 and within an agreed programme of work. An Ad Hoc Committee was established on August 11, 1998, which started its work during that session. In 1998, commencement of the negotiations was made possible by addressing issues, not by sidelining them.

12. From 2003 to 2005, a proposal commonly known as A-5<sup>3</sup> – which made concrete proposals on the four core issues, namely, Nuclear Disarmament, a Fissile Material Treaty (FMT), Prevention of an Arms Race in Outer Space (PAROS), and Negative Security Assurances (NSAs) - was widely accepted by CD members as a basis for crafting a consensus on a programme of work.

13. The paper CD/1840, in its present form, is a compromise among likeminded countries. It has not yet met concerns of all CD members; nor has it given concessions to all sides.

14. The paper prejudices the outcome. There was a universal consensus until recently that the CD would work towards a verifiable FMT. That key ingredient is missing from CD/1840, because the principle of verification in regard to an FMT has been set aside. The paper also foreshadows outcomes of substantive discussions on the other three core issues.

15. The paper has three implicit preconditions. *First*, no negotiations can start if ‘verification’ is part of the mandate. *Second*, no negotiations can start if ad hoc committees will deal with the four core issues. *Third*, negotiations will take place only on FMT, not on the other three core issues.

16. There is no agreement on the question as to which issue is ripe or not ripe for negotiations; or that FMCT is the only “item”<sup>4</sup> ready for negotiations. A large number of delegations believe that NSAs and PAROS are as mature for negotiations as the proposed FMCT. A snapshot of the debate on June 17 can illustrate this point. In the plenary debate, one delegate said that “an FMCT can be much more ripe for serious discussion and negotiation than any of the other three core issues”. But another delegate said: “... nuclear disarmament is the highest

---

<sup>2</sup> CD/1299.

<sup>3</sup> CD/1693/Rev.1, 5 September 2003, Initiative of the Ambassadors Dembri, Lint, Reyes, Salander and Vega.

<sup>4</sup> There is no item entitled “FMCT” in CD/1835 of 29 January 2008. The proposed FMCT is taken up under Agenda item 1 entitled “Cessation of the nuclear arms race and nuclear disarmament”.

priority in disarmament, as all member states of the United Nations agreed in the final document of the First General Assembly Special Session on Disarmament in 1978". Yet another delegate said: "There is no consensus on the four core issues; otherwise we could have started negotiations as well on FMCT"<sup>5</sup>.

**Pakistan's Position:**

17. On August 2, 2007, Pakistan's National Command Authority stated:

"The NCA reviewed the current status of negotiations on disarmament issues in the Conference on Disarmament in Geneva, including regarding the proposed FMCT. The NCA reiterated Pakistan's position in favour of a non-discriminatory, multilateral and internationally and effectively verifiable treaty, taking into account the security concerns of all states."

18. In the light of this direction:

- (a) Pakistan will sign on any dispensation or mandate that is non-discriminatory;
- (b) Pakistan will propose that the CD should agree on, and work on the basis of, a mandate for a verifiable FMT.

19. In its present form, the paper does not represent a breakthrough. Pakistan will be able to endorse CD/1840, if it is revised to address the following issues stated in CD/1843:

- (a) A commitment to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable" fissile missile treaty. This is key.
- (b) Creation of space for addressing the question of the existing and future stocks of fissile material.
- (c) Balance among all four core issues – Nuclear Disarmament, FMT, PAROS, and NSAs.
- (d) Using *ad hoc committees* or any other subsidiary bodies as mechanisms for negotiations, in accordance with the CD's Rules of Procedure.

---

<sup>5</sup> CD/PV. 1108, June 17, 2008.

- (e) A differentiation between the role of the Coordinators to facilitate informal discussions and the functions of formal CD subsidiary bodies to conduct negotiations in the context of the programme of work. The Coordinators have so far worked informally under the authority of the CD Presidents. Their role cannot be indirectly amalgamated with the efforts to reach a consensus on a programme of work.
20. For Pakistan, incorporation of *international and effective verification* into the proposed mandate for a Fissile Material Treaty (FMT) is of critical importance. It stems directly from our vital national security interests. Without verification, an FMT would promote neither disarmament nor non-proliferation. Therefore, without an agreement on the key element of verification, consensus on a programme of work will be elusive. We are ready to negotiate on other issues, namely, balance among core issues and subsidiary bodies.
21. We appeal to all CD members to remove preconditions and restore verification into the mandate for an FMT.
22. Since March 13, 2008, the paper (CD/1840) remains as it was introduced, though several substantive and procedural suggestions have been made. Some informal discussions have taken place; but so far negotiations have not been held informally or in the plenary to incorporate the suggestions made to make the text more balanced.
23. The six Presidents of the 2008 session have repeatedly assured the Conference that CD/1840 is not cast in stone; it is not a take-it-or-leave-it proposal; and it can be improved further. We have welcomed the assurances of the six Presidents to address the legitimate concerns of all CD members. Pakistan is keen to work with the Conference now and in future to make a suitably amended CD/1840 or its variant acceptable to all. We are confident that this objective can be achieved through open and inclusive consultations.
24. At the most appropriate time, Pakistan will table an amendment to CD/1840 or a separate proposal containing elements for an acceptable formula.
25. Pakistan agrees with the general sentiment in the Conference that the decade-long impasse in the sole negotiating forum on nuclear disarmament must be broken. With strong political will and with reciprocal flexibility, we can break the cycle of inaction in regard to negotiations, which is the Conference's first and foremost mandate.
-