



Kingdom of the Netherlands

**Statement**

**by**

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of the Netherlands to the Conference on Disarmament**

**as**

**Panelist**

**at**

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**on**

**agenda item 2**

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### **[Introduction]**

- Thank you Mr President for your kind invitation to speak on the panel today. It is an honour to address the Conference on agenda item 2.
- Last year I had the pleasure to coordinate Subsidiary Body 2 on the same agenda item.
- I believe we had substantive and fruitful sessions and I will start by giving a summary of our discussions, based on the report CD/2139 of 2018 that was adopted by consensus.
- After that, I will share a few of my personal thoughts on the process, including on a way ahead for the CD.

### **[Summary SB2 report]**

- Now turning to Subsidiary Body 2, it discussed:
  - The ban of the production of fissile materials for nuclear weapons and other nuclear explosive devices.
  - Other matters under agenda item 2 on 'prevention of nuclear war, including all related matters'. Focus was on Nuclear Risk Reduction.
  - Possible areas of further work.
- On the issue of the ban of the production of fissile materials for nuclear weapons and other nuclear explosive devices, discussions were held on definitions, scope, verification, and institutional arrangements. Also, general comments were made and one session was devoted to discussing effective measures, including the role and usefulness of TCBMs.
- We focused two sessions on scope and verification respectively, as we noted that there were deep divergences of views, in particular on these issues.
- We effectively agreed or reaffirmed some commonalities of a general nature, such as that a treaty should be non-discriminatory, multilateral and internationally and effectively verifiable. Or that it should practically contribute to nuclear non-proliferation and disarmament objectives bearing in mind paragraph 50 (b) of the final outcome document of SSOD-I and lead to undiminished security for all states with a view to promoting or enhancing stability at a lower military-holdings level, taking into account the need of all states to protect their security. To name a few.

- We also agreed or reaffirmed some commonalities with regard to definitions and institutional arrangements, although diverging views were also expressed on these issues.
- One of the more contentious issues, or let me put it differently, where the views were indeed very divergent, was the issue of the scope of a treaty.
  - We noted that some delegations insisted that the treaty should only focus on banning the future production of fissile material. Reference was made to the Shannon Report and the mandate contained therein in that regard. As that mandate remains the most relevant and valid basis of conducting negotiations in the CD on such a treaty, these delegations argued that there was no need for a new mandate.
  - Other delegations were more flexible on this matter, whilst a treaty banning future production was the minimum. Those delegations focused on the distinction with regard to the different categories of existing stocks of fissile materials and argued that some of those categories could be included. According to these delegations, the Shannon Report and the mandate contained therein left sufficient 'constructive ambiguity' as to whether stocks were included in the scope or not.
  - Yet other delegations insisted that the treaty's scope should include future as well as past production of fissile materials for nuclear weapons and other nuclear explosive devices. For some of those the Shannon Report and the mandate contained therein remains the basis for negotiations as it did not exclude existing stocks, whilst a delegation also expressed the view that the Shannon Report and the mandate contained therein has outlived its utility and validity as the basis of substantive work on this issue.
- Discussions took place on the functional categorization of fissile materials, non-diversion, the issue of international transfers / acquisition and the treaty's contribution to non-proliferation and disarmament objectives.
- Another issue that merited in-depths discussion, because of the technical complexities, was 'verification'.

- The different verification approaches were discussed, such as a focused approach, a comprehensive approach and a hybrid approach.
  - Delegations discussed who (or what states) should be the focus of requirements of verification, as many states already have safeguarded facilities due to existing legal obligations, in particular the NPT.
  - The issue of addressing concerns of states regarding sensitive information in the context of verification was discussed as well. As well as the type of inspections, i.e. the verification toolbox, and which body should be tasked with verification.
  - Also, what further technical and scientific work remained to be done in this field, was discussed.
- On the issue of reducing nuclear weapons risks, an expert from the Clingendael Institute elaborated a number of policy options. Delegations then discussed these and presented their national positions in this regard. Issues such as nuclear deterrence (whether it is obsolete or not), the importance (or non importance) of strategic stability or balance, and the need (or not) of multilateralising risk reduction measures was discussed.
  - In terms of possible areas of further work on fissile materials, the value of such work was emphasized, and delegations made a number of suggestions in that regard, such as on the technical and scientific aspects, scope, definitions, verification, and legal and institutional arrangements or TCBMs.
  - Delegations also agreed that further discussion on nuclear risk reduction was welcome in the CD.
  - This concludes my summary of the discussions in SB2 of last year.

### **[Way ahead – further personal reflections]**

- So looking at the way ahead for the CD, let me first touch upon what the UNGA urges us, the CD, to do.
- Resolution 73/65 of the last First Committee session urges the CD to ‘fully examine the consensus report of the high-level fissile material cut-off treaty expert preparatory group’, skillfully led by Canada.
- This HLPG report contains a very helpful ‘à la carte menu’ of the different elements of a treaty without prejudicing any outcome on issues such as

scope and objective. The substance of the report, even if it may not garner full consensus here in the CD, can be very helpful in our deliberations in the Conference and implicitly already has been helpful as we witnessed delegations using its substance in their national interventions.

- While we are awaiting the political will to commence negotiations on a treaty, there is more work that can be done to address some outstanding questions. Needless to say that this work is not a prerequisite to the start of negotiations. According to the Netherlands and many more countries, negotiations should and could commence today, as the so-called 'more work' could equally be addressed as part of the negotiations.
- As to what this 'more work' is, some suggestions have been done in SB2, as I mentioned earlier.
- But also the HLEPG report contains a detailed recommendation, namely that 'further expert work can be carried out, including in the Conference on Disarmament, to (a) elaborate how the various approaches to verification would work in practice and (b) assess the resource implications associated with the use in a treaty of the various potential elements'.
- What is the advantage of doing this so called 'more work' in the CD on fissile materials in the mean time?
  1. It builds confidence: the more issues are discussed in detail, the more understanding it creates;
  2. Once the issue of the mandate to start negotiations is overcome, it will hopefully be relatively easy to agree on a way forward, as all options have been elaborated and discussed earlier; and
  3. It ensures that disarmament diplomats are kept abreast of the topic.
- That is why I would argue that the issue of fissile materials merits specific attention, in a separate subsidiary body or working group, in the CD, next year.
- We basically identified our so-called 'homework', i.e. a list substantive issues that need further elaboration. Also, we have a vehicle and a forum to do this in, namely in a subsidiary body of the CD. Because, if we do not take it up here, some might wonder whether it could be taken up somewhere else instead.

- I would be sad to see this happen, as a treaty banning the production of fissile materials for nuclear weapons and other nuclear explosive devices could be a very important step in our collective goal to reach a world without nuclear weapons.
- The CD has been set up to negotiate multilateral instruments such as these, so I look forward to this body conducting this work next year.