



To “ban the production of these materials forever”



photo: Toshio Fukada

The Non-Proliferation Treaty Review Conference: **Breakthrough or Bust in '05?**

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The Importance of a Fissile Material Treaty

Background

The importance of ending the production of fissile materials for nuclear weapons was recognised by the 1946 Baruch Plan. Various proposals were mooted but it was only in the early 1990s that a Fissile Material Cut-Off Treaty (FMCT) was placed on the international agenda.

In September 1993, the Clinton Administration proposed an international agreement to “ban the production of these materials forever”. Three months later, in December 1993, the UN General Assembly passed, without opposition, Resolution 48/75L which called for negotiations on:

A non-discriminatory, multinational and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices.

To implement it, Ambassador Shannon of Canada was asked to carry out consultations at the Conference on Disarmament (CD) in Geneva. In March 1995, a consensus was reached that the CD was the appropriate forum to discuss the treaty and that an ad hoc committee should be established with a mandate based on Resolution 48/75L.

The subsequent 1995 NPT Review and Extension Conference firmly placed a FMCT into its ‘Programme of Action for Nuclear Disarmament’. However, it was only in August 1998 that the CD agreed to adopt the Shannon Report as a basis for negotiations and the *ad hoc* committee was finally set up. The committee did not meet as the major differences over scope and verification, which had dogged the earlier consultations, continued to prevent any progress.

Post 2000 Review Conference Activities

As part of its ‘Plan of Action’ the 2000 Review Conference called for the CD to commence negotiations on a FMCT immediately, to con-



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Fundamental differences between the parties over the scope of a treaty

clude within five years. The primary goal was to have the Nuclear Weapon States (NWS) and the three countries outside the NPT regime (India, Israel and Pakistan) as parties.

Unfortunately, the deadlock has continued and it has been impossible to even start negotiations, with key NWS again putting forward different priorities and linkages. Until August 2003, for example, China refused to discuss a FMCT unless negotiations also began on the prevention of an arms race in outer space (PAROS).

When China relented, the Bush Administration announced a major review and progress halted for almost a year. The US review concluded in July 2004 that, whilst still supporting a FMCT, it believed that effective verification was not achievable. This stance effectively returns the issue to the pre-Shannon conclusions and led to the United States being the only country to vote against the November 2004 UN General Assembly resolution calling for immediate commencement of negotiations.

Reasons for the Deadlock

The main controversy in the CD discussions has been the fundamental differences between the parties over the scope of a treaty, the inventories to be included, the definition of what constitutes fissile material and the kinds of verification and safeguards measures needed.

The US Administration and most other NWS emphasise non-proliferation objectives for an FMCT and, therefore, that a ban should only be applied to future production. These NWS argue that they have ceased military production, while India and Pakistan, in particular, both have active programmes for fissile material production for weapons. It is not clear if Israel is still producing material for weapons purposes.

The NWS consider that without India, Pakistan and Israel, the cost of extended verification and safeguard measures is too high. For their part, the approach of these latter states is largely influenced by their own perceptions of regional security in South Asia and the Middle East respectively. However, the unilateral US announcement that verification is not achievable goes much further than the previous NWS position.

Meanwhile others, including the Non-Aligned Movement (NAM), emphasise the FMCT as a disarmament measure that should be non-discriminatory, as called for in Resolution 48/75L. This means that it should cover existing stocks of fissile material as well as future production.

Further difficulties have arisen over the definition of 'fissile materials'. Should this just cover so-called 'direct use' material or also other fissile material? Likewise, what activities constitute 'production of fissile materials'? Is it just reprocessing and enrichment or should downstream

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activities or even civil reactors and spent fuel stores be included?

Benefits of a FMCT

Pursuing a FMCT has advantages for all parties. For the NWS it would signify their commitment to nuclear disarmament. Since India, Israel and Pakistan are members of the CD, their participation in FMCT discussions draws these three states currently outside the NPT into the non-proliferation arena. By helping to prevent further proliferation of nuclear weapons, an FMCT would increase the security of NWS and Non-Nuclear Weapon States (NNWS) alike.

A treaty banning the production of fissile materials is therefore needed to:

- restart negotiations on further nuclear arms control and disarmament measures;
- control the spread of nuclear weapons to other countries;
- encourage the control of fissile materials from which nuclear weapons or nuclear explosives can be fabricated;
- increase the proportion of weapon-usable fissile materials under international safeguards;
- improve the effectiveness of nuclear export policies;
- reduce the discrimination inherent in the present NPT regime by narrowing the gap between the mutual obligations of NWS and NNWS; and
- reduce the risk of nuclear terrorism through the illegal diversion of fissile materials.

A verified ban would, furthermore, be fundamental to any comprehensive nuclear disarmament and non-proliferation regime. The measures and requirements for verification and control would be little different to those necessary to enable complete nuclear disarmament. Indeed, any progress on nuclear disarmament would make little sense in the absence of a ban on the further production of fissile material.

Future Prospects

Whilst there is still general agreement about the validity of negotiating a FMCT, the prospects for progress over the terms and scope of such a treaty in the immediate future look bleak. None of the major players seem willing to make the necessary compromises to break the deadlock.

There is also no doubt that inactivity has damaged the standing and integrity of the CD to the extent that some are beginning to question its suitability as a forum for such negotiations. In particular, the need for consensus allows countries to block progress, for example by linking issues together. A different process may need to be established.



photo: IAEA

There are measures that could be taken outside of the Conference on Disarmament



However, there are measures that could be taken outside of the CD that could perhaps improve the chances of progress within it – as set out below.

Recommendations

1. All States Parties are urged to:

- reiterate their commitment to the expeditious negotiation of a FMCT;
- recognise that an “all or nothing” approach risks losing the very major benefits a FMCT could bring;
- not allow differing positions on verification to block the start of negotiations;
- use their good offices to persuade others to drop linkages and preconditions;
- take appropriate confidence building measures to foster a climate in which safeguarding of all fissile material is regarded as the norm;
- introduce a moratorium on fissile material production;
- ensure that fissile materials are physically secure;
- increase the transparency of their nuclear production histories, management and accountancy practices; and
- start discussions with the IAEA about verification procedures.

2. The US administration is urged to reconsider its policy towards the FMCT and consider more creative approaches to the problem of verification. For example, it could support the creation of an international technical advisory panel to assist with verification of the treaty.

3. The United States and Russia should build on the bilateral steps they have already taken and place more of their fissile material under international safeguards.

4. NNWS are urged to build confidence by reinterpreting their ‘inalienable right’ to all aspects of the nuclear fuel cycle.

For further information see ‘The FMCT Handbook: A Guide to a Fissile Material Cut-off Treaty’ available at:

<http://www.oxfordresearchgroup.org.uk/publications/books/fmcthandbook.htm>

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