

LEARN ABOUT NUCLEAR WEAPONS

The need for a treaty

Since the NPT entered into force, the issue of fissile materials – i.e. material that can be used to produce nuclear weapons – has been very important. In 1993 the UN General Assembly adopted a resolution that recommended early negotiations on an internationally verifiable treaty banning the production of fissile material.¹ The Geneva-based Conference on Disarmament (CD) is the world's lone body with a mandate to negotiate international disarmament and arms control treaties. It is the CD that mainly discusses the issue of a treaty controlling fissile materials – and has been discussing it for years with no substantial negotiations taking place.

Existing stocks

From the very beginning one particular issue has been standing in the way of negotiations: existing stocks of nuclear weapons material. Some states (e.g., Pakistan and many non-nuclear weapon states) claim an FMCT should not only address production of fissile materials, but also reduce existing stocks. Other states (e.g., the US, the UK, and Japan) have insisted that the scope of the treaty be limited to production. This obviously relates to the fact that the nuclear weapon states, especially the US and Russia, have enormous amounts of fissile material in store.² The material can be used to produce new nuclear weapons, which makes these states keen on keeping it. Pakistan has its own stocks of fissile materials, but neighboring India has much larger stockpiles that Pakistan would rather see reduced.

An FMCT that does not address existing stocks is seen by many as weak and useless. It is still worth questioning whether it is better to have a weak treaty or no treaty at all. Even a treaty that only deals with future production will face the problem of verification. That the need for all existing stocks of nuclear weapons material to be strictly controlled and declared as the FMCT enters into force leads us to the important issue of verification.

Verification and scope

The non-nuclear weapon States Parties to the NPT have already agreed to a certain level of inspections of their nuclear facilities. Nuclear weapon states and states outside of the NPT are not inspected in the same way. A strong verification and reporting mechanism built in to a future FMCT might come to terms with that problem. The system would be more equal with inspections of nuclear weapon states. Verification mechanisms create better transparency and increased confidence among nuclear weapon states.

Many states share a common aim with an FMCT: to prevent terrorists from gaining access to fissile materials. A strong verification regime covering both existing stocks and future production would reduce the risk of leakage of fissile materials to terrorists. The US has expressed doubts concerning

verification mechanisms, claiming that it will be difficult if not impossible to control States' compliance with the treaty. The US also states that negotiations on verification would only make an already difficult process even more tortuous, and that verification mechanisms could lead states into a false sense of confidence. The feasibility of verification, however, is well documented: the 16 principles from the UN Disarmament Commission (1988) and a US National Academy of Sciences study (2005) suggest that a verifiable FMCT will be expensive but fully possible to implement.³

Another problematic issue related to an FMCT is the scope of the treaty – which fissile materials should be regulated under the treaty.

Begin negotiations?

Many states have suggested negotiations should be started in the CD despite differing opinions, and that problems can be addressed as they arise. Other states are concerned that commencing negotiations “without preconditions” will only enable powerful actors such as the US to block strong language, resulting in a watered-down treaty.

In 1995 the CD appointed Canadian Ambassador Gerald Shannon to find out member states' opinions on the most efficient ways of negotiating an FMCT. The study resulted in what is commonly referred to as the "Shannon mandate," and suggests that the CD appoint an ad hoc committee to address difficult issues such as existing stocks and verification, in order to facilitate commencement of negotiations.⁴ At the NPT Review Conferences in 1995 and 2000, all states supported early commencement and conclusion of FMCT negotiations. The ad hoc committee suggested in the Shannon Mandate, however, never got to work.

For many years Russia and China demanded that the CD address the issue of preventing an arms race in outer space if FMCT negotiations were to take place. In 2003 both states let go of their demands and agreed to start FMCT negotiations unconditionally. The US went a step further in May 2006, presenting a draft FMCT to the CD.⁵ Greenpeace International has also drafted an FMCT.⁶

At the end of the last session of 2007, the CD seemed to be closer to negotiating an FMCT than ever before. Member states were close to an agreement that would make negotiations possible during the 2008 sessions. In his 23 January 2008 opening statement to the CD, UN Secretary General Ban Ki-moon expressed his support for immediate negotiations.⁷ During the first session of 2008, many delegations to the CD expressed their willingness to commence FMCT negotiations. There is more hope than there has been in many years that the CD will get back to work and get a step closer to an international treaty on fissile materials for nuclear weapons.

1 <http://daccessdds.un.org/doc/UNDOC/GEN/N94/010/79/PDF/N9401079.pdf?OpenElement>

2 http://www.fissilematerials.org/ipfm/pages_us_en/fissile/inventories/inventories.php

3 <http://www.reachingcriticalwill.org/legal/fmct.html#history>

4 <http://www.reachingcriticalwill.org/political/cd/shannon.html>

http://www.armscontrol.org/events/FMCT_Shannon_Mandate.asp

5 <http://geneva.usmission.gov/Press2006/0518DraftFMCT.html>

6 <http://www.greenpeace.org/raw/content/international/press/reports/comprehensive-fissile-material.pdf>

7 http://www.reachingcriticalwill.org/political/cd/speeches08/1session/Jan23_UNSG.pdf