

CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE ONE THOUSAND AND EIGHTEENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 May 2006, at 3.15 p.m.

President: Mr. Doru-Romulus COSTEA (Romania)

The PRESIDENT: I declare open the 1018th plenary meeting of the Conference on Disarmament.

In accordance with the schedule of meetings, the Conference will now proceed to the consideration of the issue of the scope of the FMCT. For the time being, I have a request for the floor on my list from South Africa. I now give the floor to the distinguished representative of South Africa, Ms. Glaudine Mtshali.

Ms. MTSHALI (South Africa): Discussions on the scope of a treaty that would ban the production of fissile material for nuclear weapons or other nuclear explosive devices are not new. In fact, deliberations on the scope of such a treaty already highlighted divergent views during the consultations conducted by Ambassador Shannon of Canada when he was appointed Special Coordinator in 1994 to seek the views of the CD's members on the most appropriate arrangement to negotiate a fissile material treaty. This fact was reflected in his report when he stated that "many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention".

South Africa continues to hold the view that a fissile material treaty should serve both nuclear disarmament and nuclear non-proliferation objectives in order to be effective. This having been said, I do not intend to address the question of fissile material stockpiles in this intervention, as my delegation will speak on that matter at the appropriate time.

In South Africa's view, a fissile material treaty should aid the process of nuclear disarmament and pave the way for further cuts in nuclear arsenals, whilst at the same time controlling nuclear proliferation through the capping of the production of fissile material for nuclear weapons. In this regard, it is common knowledge that certain States view a fissile material treaty as primarily - or even only - a non-proliferation instrument, whilst others seek to also reflect the nuclear disarmament dimension of the treaty. The success we achieve will depend on the balance that we are able to attain.

Divergent views about the scope of a fissile material treaty are obviously not only restricted to the disarmament or non-proliferation character of the instrument, but inter alia also extend to that which needs to be captured by a treaty and that which could remain outside its ambit. In this regard, I trust that the South African paper on the possible scope and requirements of a fissile material treaty may offer suggestions that could prove to be useful to delegations, such as the reflection on possible allowances in an FMT for military naval reactors.

South Africa believes that difficulties in attempting to define the scope of a future FMT need not result in negotiations on a treaty being stalled until the matter has been resolved. This has already been proven by the Shannon report as far back as 1995. The solution then was to agree that the mandate for establishing an ad hoc committee on a ban on the production of fissile material would not preclude members from raising the question of scope in the ad hoc committee. That same solution could be used again today to allow negotiations on a treaty to commence. What is important is that the scope of the treaty can and should be discussed during negotiations. The scope will therefore be determined by the outcome of negotiations, in the same fashion as other aspects of the treaty will also be negotiated and agreed upon.

(Ms. Mtshali, South Africa)

In closing, it would be a fair reflection to say that it would be premature and probably naive to imagine that consensus has already at this stage emerged on the scope of an FMT. Nevertheless, as I have tried to point out, a consensus on scope is not a prerequisite for negotiations to begin. Neither is absolute prior agreement on any other aspect of the treaty.

Our discussions here are useful in gaining and broadening understanding of the various perspectives regarding the scope of a fissile material treaty. The purpose of such discussions is to exchange views and to narrow differences. But it should not be confused with negotiations. My delegation would therefore once again appeal to all delegations to display flexibility in order to make a fissile material treaty a reality.

The PRESIDENT: I thank the Ambassador Mtshali of South Africa for her statement. I now give the floor to the representative of Algeria, Mr. Hamza Khelif.

Mr. KHELIF (Algeria) (translated from Arabic): I wish to take the floor on the issues that have been dealt with at the informal session this morning.

Regarding concepts, I think that this is linked to the objectives and the aims which this instrument should serve, which will determine the verification regime that we need. Therefore, all elements are interlinked and therefore please allow me, briefly and even if I diverge from the matter of concepts at times, to refer to the matter of verification.

I wish to take advantage of the fact that there are experts here. My speech may sound simple; however, that is why experts take part in order to further our understanding of certain issues that remain abstract to my mind.

We do not agree with the view that the objectives of a treaty to ban the production of fissile material differ from the objectives of the IAEA safeguards regime.

If we look at the IAEA safeguards regime contained in the NPT, the objective is to ensure that raw materials and all fissile material, in particular those used for peaceful purposes, are not converted, and that they are not converted to the manufacture of nuclear weapons or other nuclear explosive devices.

The objective of the treaty to halt the production of fissile material is to ban the production of fissile material for nuclear weapons and nuclear explosive devices. I believe therefore that the objectives are the same. In practical terms, what should be done if there is agreement is to stop producing fissile material and to place any other nuclear installations that produce such material under a safeguards regime. However, the question is whether a safeguards regime that is restricted to such installations and material will give us a guarantee that this material will not be converted in one way or another to manufacture nuclear weapons? I believe that the answer is no. Therefore, I believe that the concepts used at the International Atomic Energy Agency are much more comprehensive and would allow the international

(Mr. Khelif, Algeria)

community to ensure that this fissile material is not converted. It is incomprehensible that all nuclear installations in non-nuclear States should be subjected to a robust safeguards regime whereas peaceful nuclear activities in nuclear-weapon States do not come under a safeguards regime.

There is another point regarding fissile material stockpiles and the danger of nuclear terrorism. These stockpiles constitute a danger in themselves, and of course the threat of nuclear terrorism only exacerbates the danger, because according to our understanding there is a risk that these stockpiles may be converted by terrorist groups. If terrorism no longer existed, would that mean that nuclear-weapon States could have the right to retain these stockpiles because the threat is no longer there?

The issue of protecting fissile material belongs to what we call ensuring nuclear safety and security.

The PRESIDENT: I thank Mr. Khelif of Algeria, and we would like to recall that we are still in a formal mode. I now give the floor to the representative of Australia, Mr. Leslie.

Mr. LESLIE (Australia): The remarks I am about to make bring to the attention of the plenary the elements relating to scope from Australia's working paper on this topic.

The intention of the FMCT is to codify the commitments by each party not to produce fissile material for nuclear weapons or other nuclear explosive devices. Thus, the principal article of the FMCT would prohibit production of fissile material for nuclear weapons or other nuclear explosive devices. The scope of remaining articles would cover definitions, entry-into-force formula and mechanisms for review and amendment. The treaty would make provision for the status of stocks and verification, on which we will say more later this week.

In practical terms, the application, the optimal scope of the FMCT would apply to facilities that are either pre-existing facilities dedicated to the production of fissile material for weapons purposes or existing or planned facilities capable of producing - again we use the term - unirradiated direct-use material for weapons purposes.

The term "unirradiated direct-use material" is used for verification purposes by IAEA. It refers to the types of material that require the highest level of safeguards verification coverage. "Direct-use material" includes all of the material that in principle can be used to produce a nuclear weapon or a nuclear explosive device. The FMCT must make the distinction between irradiated and unirradiated direct-use material. All plutonium, apart from that containing 80 per cent or more Pu-238, is conservatively assumed to be directly usable in a nuclear explosive device. In the case of plutonium that is contained in spent nuclear fuel, reprocessing is required to separate the plutonium from residual uranium and fission products before it can be used in a nuclear explosive device.

It is this step of reprocessing that is of relevance to the production of fissile material for the purposes of the FMCT. The FMCT would apply to any facilities that are capable of

(Mr. Leslie, Australia)

reprocessing spent fuel to produce separated plutonium or separated U-233. The FMCT should apply to all enrichment facilities. It is possible to make a very esoteric argument that it does not need to apply to all enrichment facilities, but we will discuss that later.

In the production of direct-use material for non-proscribed purposes, for example, naval propulsion or as fuel for high-flux research reactors or for use in critical assemblies, there would need to be some mechanism for this material to be declared so that it could be distinguished from pre-existing stocks of fissile material and to ensure that it does not serve as a means of circumventing the intent of the FMCT.

The PRESIDENT: I thank Mr. Leslie of Australia, and I now give the floor to the representative of the Republic of Korea, Mr. Yoon.

Mr. YOON (Republic of Korea): I would like to make a general comment. I think to differentiate the spirit of the FMCT from the NPT and IAEA safeguards is a dangerous idea. They should go in the same direction, share the same spirit and complement each other. This principle should apply to the scope of the FMCT.

The PRESIDENT: I thank Mr. Yoon of the Republic of Korea. Is there any other delegation that would like to take the floor at this stage? I give the floor to the delegation of Japan.

Mr. KIKUCHI (Japan): I forgot to introduce myself this morning. My name is Masahiro Kikuchi from the Nuclear Material Control Centre in Japan. I am an expert on verification activities in Japan. My organization is a non-profit organization and we touch on safeguards matters in Japan in cooperation with IAEA.

I asked for the floor because I would like to place some of our ideas on the scope of obligations in a formal setting, as well as other such topics as the scope of obligations. Various discussions conducted up to now clearly show that there is a consensus that a ban on the production of fissile material for nuclear weapons or nuclear explosive devices would be the core obligation of an FMCT. Additionally, there is no doubt that fissile material for civil use should not be subject to a ban by the FMCT, as I stated before.

Issues such as how to define “production” for a ban on the production of fissile material for nuclear weapons or nuclear explosive devices or, more specifically, whether to limit the scope of “production” to future production or to add past production, which means including stockpiling as a banned activity, still remain open to debate. However, at a minimum, there is a broader consensus that future production is within the scope of an FMCT ban. As a logical consequence of a ban on future production, the entry into force of an FMCT would obligate the States parties possessing production facilities for nuclear-weapon-use fissile material to close down or decommission such facilities or convert them to non-nuclear-weapon use.

The reversion of such closed-down or decommissioned facilities to the production of nuclear-weapon-use fissile material should be subject to a ban, as such reversion would mean

(Mr. Kikuchi, Japan)

nothing less than de facto production. The reversion of fissile material that States possessing fissile material for nuclear weapons have voluntarily declared as excess for national security needs should similarly be subject to a ban.

Furthermore, the diversion of existing and future stocks for non-nuclear-weapon purposes to nuclear-weapon purposes after the entry into force of an FMCT should be subject to a ban, as such diversion would substantially be the same as production. Although the nuclear-weapon States under their voluntary safeguards may currently withdraw their declared civil nuclear material from IAEA safeguards, the conclusion of negotiations on an FMCT could necessitate changes to such safeguards agreement provisions between a nuclear-weapon State and IAEA to conform with FMCT obligations.

Receiving fissile material for nuclear weapons from another State should be subject to a ban under an FMCT, as such transfers would be equivalent to production.

An FMCT should also ban assisting another State in its production of fissile material for nuclear weapons. Two matters, similar results: the NPT consensus.

Moreover, considering the contemporary significance of strengthening nuclear security, it might be worth looking at the possibility of realizing not only a production ban, but also obligations of State accounting and control and physical protection, as well as a ban on the transfer of stocks of fissile material for nuclear weapons.

The PRESIDENT: I thank the representative of Japan for his presentation and I now give the floor to the distinguished Ambassador of Germany, Mr. Bernhard Brasack.

Mr. BRASACK (Germany): As always, I will try to be extremely brief and simple, if possible. We are with objectives now.

The main aim of the negotiations should be to effectively prevent any increase in stocks of nuclear materials for military purposes. Hence, the scope of the treaty should encompass - and I mention the three main elements: firstly, the prohibition of any future production of nuclear material directly used for the manufacture of nuclear explosive devices; secondly, the prohibition of the reuse, for military purposes, of fissile material derived from disarmament measures and rededicated to civil purposes; and thirdly, the ban on any transfer of civil fissile material with the aim of manufacturing nuclear explosives as well as for other military purposes.

At the same time, to address twenty-first-century threats - or, as they are sometimes called, the post-11-September threats - in trying to deal with the threat of nuclear terrorism, the task would be to secure fissile material stocks worldwide, to introduce reliable material balances and better accountancy, and that also seems to be of central importance.

The PRESIDENT: Is there any other delegation that would like to take the floor at this stage? This does not seem to be the case.

(The President)

Under these circumstances, I'm going to adjourn this afternoon's plenary meeting and convene an informal plenary meeting in 10 minutes on the subject of the scope of the FMCT, and as we agreed when we last met, we may also revert to the topic discussed this morning - definitions - if you feel the need.

As usual, the informal meeting will be open to the members of the Conference, observer States, as well as experts who are part of their delegations.

The next plenary meeting will be held tomorrow at 10 a.m. in this conference room, and in accordance with the schedule of meetings, the Conference will proceed to the consideration of the issue of stocks. As we have already become accustomed, delegations that would like to make formal statements will have the opportunity to do that during the plenary meeting. Then we will switch to informal mode.

The meeting rose at 3.40 p.m.