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STATEMENT BY

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At the Conference on Disarmament

**Informal Discussions on agenda items 1 and 2 with a general
focus on the ban of the production of fissile materials for nuclear
weapons and other nuclear explosive devices**

On the issue of Scope

**Geneva,
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Please check against delivery

Mr Coordinator,

As requested by you, I will present some focussed remarks outlining Pakistan's position on the issues related to the Scope of a Fissile Material Treaty (FMT).

You have rightly identified in your paper that "the question whether existing stocks of fissile materials should be included or not is at the heart of the question of the scope of a ban".

A large majority of states including Pakistan advocate the inclusion of existing stocks of fissile material in the scope of the treaty. On the other hand, all the nuclear weapon states, with the exception of Pakistan, have categorically rejected this. It is mainly this dichotomy of views that is preventing the commencement of FMT negotiations in the CD.

The polarity of views on the issue of scope is not a new phenomenon. It was already in existence 20 years ago when Ambassador Shanon of Canada, in his capacity as the Special Coordinator, presented his report contained in document CD/1299. The Shanon report noted both points of view and tried to side-step the issue by stating that: "It has been agreed by delegations that the mandate for the establishment of the Ad Hoc Committee does not preclude any delegation from raising for consideration in the Ad Hoc Committee any of the above noted (fissile material stocks related) issues".

However, this provision of the Shanon report, the so-called "constructive ambiguity" on the issue of scope, was not able to lead to the commencement of substantive negotiations on a Treaty. There were a couple of short lived agreements on Programmes of Work in 1998 and 2009 which envisaged FMT negotiations on the basis of the Shanon mandate, but they could not develop into a sustained process of treaty negotiations.

An FMT that does not address the existing stockpiles of fissile materials would freeze the status quo in fissile material holdings. At best, it would be an instrument to prevent the horizontal proliferation of nuclear weapons and the emergence of new nuclear weapon states. Its contribution to vertical proliferation would be marginal, and to the goal of nuclear disarmament almost non-existent.

The International Panel on Fissile Material (IPFM), in its Global Fissile Material Report 2013, states that: “The nuclear weapon states still have enough fissile materials in their weapons and naval fuel stockpiles for tens of thousands of nuclear weapons. On the civilian side, enough plutonium has been separated to make a similarly large number of weapons. Highly enriched uranium is used as civilian reactor fuel in more than one hundred locations. The total amount used for this purpose is sufficient to make hundreds of Hiroshima-type bombs.” It adds that one nuclear weapon state “alone has set aside for naval fuel a stockpile of 152 tons of weapon-grade uranium – enough for more than 6000 nuclear weapons”. So the legitimate question arises: do we want a treaty whose scope excludes all this fissile material worth tens of thousands of nuclear weapons? If we do, then such a treaty – the FMCT – would be a mere fig leaf.

For Pakistan, the non-inclusion of stocks is a direct national security concern because of the asymmetry existing in our region – that has been compounded by the discriminatory civil nuclear cooperation agreements and NSG waivers. Pakistan, therefore, has been calling for a treaty that not only bans the future production of fissile materials, but also includes provisions on existing stocks. Unless the existing stocks are explicitly included in the mandate for treaty negotiations, Pakistan would not be able to join consensus on the commencement of negotiations.

The Shanon mandate is not acceptable to us for FMT negotiations because all the nuclear weapon states, with the exception of Pakistan, have emphatically stated that, although they accept the Shanon mandate as the basis for negotiations, they do not favour the inclusion of stocks in the scope of the Treaty.

We appreciate their candour in stating this position and clarifying where they stand on the issue of scope. With the clear knowledge of this position, the so-called “constructive ambiguity” in the Shanon mandate on stocks becomes redundant and meaningless. The Shanon mandate, therefore, is no longer valid as the basis for negotiations since it is being interpreted to be restricted to a cut-off only.

Mr. Coordinator,

Coming to the question of what do we mean by the “inclusion” of stocks in the scope of the treaty? Your paper has highlighted two categories of fissile materials – those assigned for nuclear weapons and those not assigned for nuclear weapons. For the sake of clarity, I will stick to these categorizations and outline how we propose dealing with them.

As regards, **Fissile Material assigned for nuclear weapons:** I would divide this material under three sub-categories:

First, fissile material present in deployed nuclear warheads or warhead components in storage. We propose that this weaponized fissile material may not be touched by the treaty, and be dealt with in the future Convention on Nuclear Disarmament.

Second, fissile material that has not been weaponized as yet, but set aside either for new warheads or for the replacement and refurbishment of existing warheads. This would also include irradiated fuel and reactor-grade separated plutonium produced from any unsafeguarded reactor – military or otherwise. We propose that this non-weaponized fissile material should be brought under the verification coverage of the treaty and placed under safeguards to ensure its non-diversion for nuclear weapons manufacturing. The transfer of this material to safeguarded civil and non-proscribed military use may be permitted. In case this proves to be problematic, for example states could use the argument that this non-weaponized fissile material is needed to ensure the continued safety and reliability of nuclear arsenals, a second option would be to reduce this sub-category of fissile materials to the lowest possible levels necessary for the safe maintenance of nuclear arsenals through mutual and balanced reductions on a regional or global basis.

The *Third* sub-category of material assigned for nuclear weapons includes the fissile material released from retired warheads and those in the dismantlement queue, including such material that is already in waste disposal sites. This type of material should also be brought under safeguards in accordance with the principle of irreversibility to preclude its re-weaponization. Its transfer to safeguarded civil and non-proscribed military use would be permitted.

Coming to the **Fissile material not assigned for nuclear weapons:** Your paper has already divided this material under three sub-categories: *one*, material designated for civil purposes; *two*, excess material for military purposes; and *three*, material for non-proscribed military activities like naval propulsion etc. We propose that each of these three sub-categories of fissile material should be brought under safeguards – both the future and past production – to ensure their exclusive use for non-prohibited purposes only. Leaving the past production of these types of material outside of safeguards would provide a potential source for thousands of nuclear weapons.

These proposals are also depicted in tabulated form at the end of the statement that has been circulated.

Our idea is to prohibit the production and use of fissile material for manufacturing nuclear weapons, regardless of whether the material has been produced prior to the treaty's entry-into-force or not. A treaty with these provisions would truly make a meaningful contribution to nuclear disarmament as well as to regional and global security and stability. It would seriously constrain both the quantitative and qualitative development of nuclear weapons.

In order for this scheme to be credible and effective, for ensuring the non-diversion of the above-mentioned categories of fissile materials, the treaty would need to provide for a robust verification mechanism that is capable of detecting any non-compliance in a timely manner, without any discrimination between states. The safeguards would need to be implemented and monitored by a dedicated and independent organization, without excluding the use of IAEA resources.

These new safeguards obligations would apply on the NPT and non-NPT nuclear weapon states. For the NPT non-nuclear weapon states, the IAEA Comprehensive Safeguards Agreement and the Additional Protocol already provide the desired level of assurance.

Moreover, although it is strictly speaking a question to be addressed under the "Definitions" clause, in our view, both Neptunium and Americium should also be included in the treaty and be subject to the same safeguards that are applicable to other types of fissile materials, as both these materials are usable as fissile material for nuclear weapons and other nuclear explosive devices.

Let me also briefly touch upon the various options that have been put forward by different quarters for addressing the issue of stocks through: (i) a separate Protocol additional to the treaty, to be negotiated at a later date; (ii) bilaterally; and (iii) through voluntary transparency measures like declarations, etc.

None of these options have the potential of resolving the issue of asymmetry in stocks. We believe that the issue of stocks has to be addressed multilaterally during the FMT negotiations in the CD to arrive at binding obligations that are an integral part of the treaty. This needs to be made explicit in the negotiation mandate upfront without any ambiguity.

I thank you.

Category of FM	Description	Coverage under FMT
1. Assigned for nuclear weapons		
1.1. Weaponized FM	Present in deployed warheads, or warhead components in storage, in the form of “pits”: fission “primaries” and fission-fusion “secondaries”	Untouched. To be addressed under the negotiations on a Nuclear Weapons Convention
1.2. Non-weaponized FM	Set aside for weapons (for replacement/refurbishment and/or new warheads), including irradiated fuel and reactor-grade separated Pu produced from any unsafeguarded reactor	Weaponization prohibited and material placed under safeguards to ensure non-diversion for weapons purposes (transfer to safeguarded civil & non-proscribed military use permitted) ¹
1.3 Material from retired warheads or those in the dismantlement queue, including such material already in waste disposal sites	Under unilateral or bilateral reduction arrangements	Safeguarded to ensure non-diversion & exclusive use for non-proscribed purposes (transfer to safeguarded civil & non-proscribed military use permitted)
2. Not assigned for nuclear weapons		
2.1. Material designated for civil purposes	Peaceful uses including power and non-power applications	Safeguarded to ensure non-diversion & exclusive use for non-proscribed purposes ²
2.2. Excess material for military purposes	Voluntarily declared to be in excess of weapon needs	
2.3. Material for military non-proscribed activities	Naval propulsion etc.	

¹ In case this proves to be problematic, e.g. states could use the argument that this category of FM is needed to ensure the continued safety and reliability of nuclear arsenals, a second option would be to reduce this sub-category of fissile materials to the lowest possible levels necessary for the safe maintenance of nuclear arsenals through mutual and balanced reductions on a regional or global basis.

² Both the future and past production will be covered under safeguards.