

Fissile Material Cut-Off Treaty

Introduction

3.1 The Conference on Disarmament (CD) agreed to a work plan on 29 May 2009 that included establishment of a working group:

... which shall negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein.¹

3.2 This chapter addresses the issues that will need to be resolved during negotiations for a Fissile Material Cut-Off Treaty (FMCT)². This includes the scope of the Treaty, verification and whether it should apply to existing stocks. These are all issues upon which historically there has been significant disagreement.

What are fissile materials?

3.3 Fissile materials are those materials that can sustain an explosive fission chain reaction. They are essential to the construction of nuclear weapons. Fissile materials that can be directly used in a nuclear weapon do not

1 Conference on Disarmament, CD/1864, 29 May 2009.

2 The Committee recognises that the inclusion of 'Cut-Off' in the treaty title is contentious for some states as there is disagreement as to whether the treaty should ban only the future production of fissile material (Fissile Material Cut-Off Treaty) or whether it should deal as well with existing stockpiles (Fissile Material Treaty). This is discussed further in this chapter. For the purposes of the report, the Committee uses the term Fissile Material Cut-Off Treaty.

occur in nature. The difficulties associated with producing these materials are the main technical barrier to the acquisition of nuclear weapons.³ The most common fissile materials in use are uranium highly enriched in the isotope uranium-235 and plutonium.⁴

- 3.4 Uranium-235 makes up only 0.7 percent of natural uranium. To produce uranium with higher concentrations of U-235 requires sophisticated enrichment technology.⁵
- 3.5 Plutonium is an artificial isotope produced in nuclear reactors in a variety of isotopic mixtures – Pu-239, Pu-240, Pu-241 or Pu-242. According to the International Panel on Fissile Materials, the plutonium in typical power-reactor spent fuel (reactor-grade plutonium) contains between 50 and 60 percent Pu-239 and about 25 percent Pu-240. While reactor-grade plutonium can be used to make a nuclear weapon, weapons designers prefer to work ‘with a mixture that is as rich in Pu-239 as feasible’ because of its relatively low rate of generation of radioactive heat and relatively low spontaneous emissions of neutrons.⁶
- 3.6 Weapons-grade plutonium contains more than 90 percent of the isotope Pu-239 and has a critical mass about two-thirds that of reactor grade plutonium.⁷
- 3.7 For use in a nuclear weapon, plutonium must be ‘reprocessed’ by separating the plutonium from the spent fuel in a nuclear reactor and the highly radioactive fission products that the fuel also contains.⁸

3 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, pp. 2, 105. The International Panel on Fissile Materials, founded in 1996, is an independent group of arms control and non-proliferation experts from 16 countries, including both nuclear weapon and non nuclear weapon states. Its mission is to analyse the technical basis for practical and achievable policy initiatives to secure, consolidate, and reduce stockpiles of highly enriched uranium and plutonium.

4 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 102.

5 For more detailed discussion of this process, see International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, pp. 106-107.

6 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, pp. 107-109. See also Dr Richard Garwin, *Submission No. 85*; Dr Frank Barnaby, *Submission No. 19*, p. 2. Reactor grade plutonium is classified as ‘direct use material’ by the IAEA.

7 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 107.

8 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 109.

3.8 According to the International Panel on Fissile Materials, nuclear fuel cycle technologies that produce highly enriched uranium and plutonium separation for peaceful purposes can be converted to meet the requirements of a nuclear weapons program within a relatively short space of time.⁹ Enrichment and reprocessing technologies are discussed further in chapter five.

History of the Treaty

3.9 The concept of halting the production of fissile materials for weapons can be traced back to 1946. However, despite numerous proposals, little progress was made until the early 1990s.¹⁰

3.10 In 1993, the UN General Assembly endorsed by consensus the following negotiating mandate:

The General Assembly...

1. Recommends the negotiation in the most appropriate international forum of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
2. Requests the International Atomic Energy Agency to provide assistance for examination of verification arrangements for such a treaty as required;
3. Calls upon all States to demonstrate their commitment to the objectives of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices; ...¹¹

3.11 The CD appointed Ambassador Gerald Shannon of Canada as the Special Coordinator on the Treaty. Ambassador Shannon was unable to achieve complete consensus on the mandate for negotiations, but in 1995 the CD adopted the Shannon Report, more commonly known as the Shannon

9 Professor Joseph Camilleri, *Submission No. 66*, p. 9.

10 Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, <http://www.icnnd.org/latest/research/Lewis_FMCT.pdf>, p. 3.

11 United Nations General Assembly, A/RES/48/75, 81st Plenary Meeting, 16 December 1993, viewed 17 August 2009, <<http://www.un.org/documents/ga/res/48/a48r075.htm>>.

Mandate (see paragraph 3.15).¹² Negotiation of the Treaty on the basis of Ambassador Shannon's report was endorsed at the 1995 NPT Review Conference.¹³

3.12 The Treaty was also one of the '13 practical steps' agreed at the 2000 NPT Review Conference. The Conference agreed to:

The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the Statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.¹⁴

3.13 Since then, and until May this year, numerous proposals to progress negotiations failed to achieve the necessary consensus support.¹⁵

3.14 However the CD agreed on 29 May 2009 to the establishment of a working group to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices based upon CD/1299, which includes the Shannon Mandate.

3.15 The Shannon Mandate is:

1. The Conference on Disarmament decides to establish an ad hoc committee on a 'ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.'
2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and internationally and

12 Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, <http://www.icnnd.org/latest/research/Lewis_FMCT.pdf>, p. 3.

13 Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, <http://www.icnnd.org/latest/research/Lewis_FMCT.pdf>, p. 4.

14 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document*, Volume 1, NPT/CONF.2000/28 (Parts I and II), New York, 2000, p. 14.

15 For more details of these proposals, see Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, http://www.icnnd.org/latest/research/Lewis_FMCT.pdf, pp. 5-8.

effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1995 session.¹⁶

Objective of the Treaty

- 3.16 The basic objective of the FMCT will be to proscribe future production of fissile material for nuclear weapons or other nuclear explosive devices. It is expected that parties would undertake:
- not to produce fissile material for nuclear weapons;
 - to accept international verification on relevant facilities and nuclear material to verify this commitment; and
 - not to use any fissile material subject to verification under the FMCT for nuclear weapons, that is, the principle of irreversibility would apply and material could not be withdrawn for weapons use.¹⁷

Importance of the Treaty

- 3.17 In its submission, the Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office described the negotiation and entry into force of such a treaty as 'an immediate disarmament priority for Australia'.¹⁸ Together with the Comprehensive Nuclear Test Ban Treaty, a FMCT is seen as key to the nuclear non-proliferation and disarmament regime.¹⁹ According to the Nuclear Threat Initiative:

16 CD/1299, *Report of Ambassador Gerald E. Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices*, 24 March 1995, viewed 19 August 2009, <<http://www.acronym.org.uk/acrorep/a08fiss.htm>>.

17 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 2, *Exhibit No. 89*.

18 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 13.

19 See, for example, Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, p. 44.

A verifiable agreement to end production of plutonium and highly enriched uranium (HEU) for weapons would be a central part of an overall regime for deep reductions in nuclear arms, and hence has long been seen as a key part of the nuclear weapons states meeting their obligations under Article VI of the Nonproliferation Treaty (NPT) to negotiate in good faith towards disarmament.²⁰

3.18 A FMCT would:

- provide a substantial confidence-building measure for all states;
- formalise the moratoria on the production of fissile material for weapons currently being observed by the five NPT nuclear-weapon states;
- extend the ban on production of fissile material to all nuclear armed states, including those states outside the NPT;
- advance nuclear disarmament by capping the amount of fissile material available for nuclear weapons;
- reinforce the principle of irreversible disarmament;
- improve national monitoring and regulation of fissile material;
- extend into the nuclear weapon states, the institutions and practices that will be necessary for the eventual achievement of a nuclear weapons free world; and
- strengthen non-proliferation goals by tightening further the controls over fissile material, thereby reducing the risk of it being diverted to proliferators or terrorists.²¹

3.19 The FMCT will principally affect the nuclear weapon states and the non-NPT states as the non nuclear weapon states parties to the NPT have already committed not to produce or use nuclear material for weapons purposes and have accepted IAEA safeguards on all nuclear material and activities.²²

3.20 Both the Nuclear Threat Initiative and the International Panel on Fissile Materials consider that the Treaty would help address what is seen as

20 Nuclear Threat Initiative, 'Securing the Bomb: Ending Further Production: Fissile Material Cutoff Treaty', viewed 28 July 2009 <www.nti.org/e_research/cnwm/ending/fmct.asp>.

21 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 13; International Panel on Fissile Materials, 2008, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, pp. 23-24.

22 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 3, *Exhibit No. 89*.

unequal treatment of nuclear weapon states and non nuclear weapon states under the NPT by extending mandatory safeguards to nuclear facilities and materials in nuclear weapon states.²³

- 3.21 The Treaty would also formalise the existing moratoria on fissile material production being observed by the nuclear weapon states and turn it into a legally binding commitment. France, Russia, the United Kingdom and United States have made official declarations that they have ended fissile material production for weapons. China has informally indicated that it has also ceased production.²⁴
- 3.22 It was argued that turning this moratoria into a treaty obligation 'is widely seen as a crucial indicator of a preparedness to qualify and perhaps to abandon the view that possession of nuclear weapons is a core sovereign right'.²⁵
- 3.23 According to the International Panel on Fissile Materials, only India, Pakistan and possibly Israel continue to produce fissile materials for nuclear weapons.²⁶ Ending fissile material production in South Asia is considered particularly important, given both India and Pakistan appear to be increasing their rates of production.²⁷ The delegation of the Committee heard in discussions in the United States that India and Pakistan are engaged in 'ambitious' fissile material production. It was also noted that the US-India civil nuclear agreement left the option open for India to produce fissile material. In discussing the US-India civil nuclear agreement, Mr Rory Medcalf of the Lowy Institute for International Policy suggested that one way to offset any perceived pro-proliferation aspects of the agreement would be to give priority to encouraging India to participate seriously in negotiation of a FMCT.²⁸

23 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, pp. 24-25; Nuclear Threat Initiative, 'Securing the Bomb: Ending Further Production: Fissile Material Cutoff Treaty', viewed 28 July 2009, <www.nti.org/e_research/cnwm/ending/fmct.asp>.

24 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 25;

25 Dr Ron Huisken, 'Can we live without the nuclear abyss? The task ahead of the Australia-Japan nuclear commission', Strategic and Defence Studies Centre, Australian National University, p. 17, *Exhibit No. 92*.

26 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 7.

27 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 25.

28 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 56.

- 3.24 The Committee delegation was also informed that while China has informally indicated that it is no longer producing fissile material, it wants to keep that option open for the future. Mr Rory Medcalf considered that it would be helpful if the Australian Government could encourage China to state publicly that it has ceased fissile material production.²⁹
- 3.25 The International Panel on Fissile Materials has argued that:
- An FM(C)T would create a requirement for Israel, India and Pakistan to end their production of fissile material for weapons and bring facilities under safeguards, and so join the non-proliferation and disarmament regime, without having to join the NPT as non-weapon states.³⁰
- 3.26 The Treaty would also tighten controls over fissile materials, reducing risks of diversion, by imposing compulsory safeguards in nuclear weapon states for the first time and requiring those states to meet internationally agreed control and accounting standards.³¹
- 3.27 The Committee concurs with the view that controlling fissile materials is critical to nuclear disarmament, halting the proliferation of nuclear weapons, and helping to ensure that terrorists do not acquire nuclear weapons.

Issues to be addressed

- 3.28 There are many technical issues to be resolved, from actually defining fissile material to ensuring that the Treaty is effective by developing specific procedures for verification.

Scope of the Treaty

- 3.29 Mr John Carlson, Director General of the Australian Safeguards and Non-Proliferation Office, identified that one of the major issues to be resolved in treaty negotiations is to which facilities and materials verification would apply. The basic options are a wide scope that covers all nuclear facilities and nuclear material, other than non-proscribed military

29 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 68.

30 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 25.

31 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 25.

activities such as naval propulsion, or a focused scope, that concentrates on the most proliferation-sensitive facilities, such as enrichment and reprocessing facilities.³²

- 3.30 The scope of the Treaty will have implications in terms of the verification arrangements, including safeguards, that would be applied.³³

Verification

- 3.31 In its evidence to the Committee, the Department of Foreign Affairs and Trade highlighted that one of the issues that has prevented progress on a FMCT in recent years has been a difference of views amongst states as to whether the negotiation should be of a verifiable FMCT or a FMCT that does not deal with the verification issues.³⁴
- 3.32 The US Administration under President Bush, while supporting a FMCT, announced in 2004 that it no longer supported including verification measures in such a Treaty as verification 'would require an inspection regime so extensive that it could compromise key signatories' core national security interests and so costly that many countries will be hesitant to accept it'. The Administration also argued that 'even with extensive verification measures, we will not have high confidence in our ability to monitor compliance with an FMCT'.³⁵
- 3.33 However, the Obama Administration has now stated that it is prepared to negotiate on a verifiable FMCT.³⁶ This appears to have been a key factor in breaking the stalemate of the Conference on Disarmament. The President of the CD tabled a draft program of work on 19 May 2009, which was adopted ten days later.³⁷
- 3.34 The International Panel on Fissile Materials argued that the reasons for preferring a verifiable Treaty are:

32 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 3, *Exhibit No. 89*.

33 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 3, *Exhibit No. 89*.

34 Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, p. 26.

35 US Department of State, cited in Nuclear Threat Initiative, 'Securing the Bomb: Ending Further Production: Fissile Material Cutoff Treaty', viewed 28 July 2009, <www.nti.org/e_research/cnwm/ending/fmct.asp>.

36 Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, p. 26.

37 Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, <http://www.icnd.org/latest/research/Lewis_FMCT.pdf>, p. 9.

- verification measures are considered to be essential to generating confidence and trust;
- a verifiable Treaty would address a perceived inequity for non nuclear weapon state parties to the NPT, which have accepted comprehensive international verification. By not requiring parallel verification in the NPT nuclear weapon states, there are concerns that the Treaty puts the non nuclear weapons states at a competitive disadvantage in the development of civilian nuclear power; and
- with revived interest in nuclear disarmament, deeper cuts in nuclear stockpiles will require intrusive inspections. Verification of the FMCT would be a step in the process of establishing a verification system for fissile materials in the nuclear weapon states.³⁸

3.35 Similarly, Mr John Carlson has argued that most states consider the FMCT would not be credible without a verification mechanism. Drawing a parallel with the NPT, he considered that the presence of a credible verification mechanism in the form of IAEA safeguards:

... is essential to maintaining confidence in the effectiveness of the NPT and reinforcing the commitment of treaty parties.³⁹

3.36 Mr Carlson also told the Committee that the verification regime would start with existing, very well-established IAEA safeguards procedures and techniques. As with existing safeguards, the largest challenge would be to detect undeclared facilities and undeclared production. However:

... the weapons states will have a very considerable interest in keeping each other honest, we would imagine that there would be very substantial national intelligence capabilities that can be drawn on. So, yes, to verify the FMCT will be a challenge, but, yes, the methodologies for doing it are already well established and can be developed further.⁴⁰

38 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 1.

39 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 1, *Exhibit No. 89*.

40 Mr John Carlson, *Transcript of Evidence*, 14 May 2009, p. 27.

Pre-existing stocks

Stockpiles

3.37 The other issue that has been contentious is whether the Treaty should apply to pre-existing stockpiles of fissile material. Some consider that the Treaty should only ban production. However, there are huge stockpiles of fissile material that have been declared excess to military use or which are for civilian or naval reactor use, which some would like to see within the scope of a fissile material treaty.⁴¹ Mr John Carlson has argued that:

...the generally held FMCT concept does not proscribe production of additional nuclear weapons from unsafeguarded stocks of fissile material existing prior to the FMCT's entry-into-force (EIF). Rather, the objective is to ensure that these stocks are not added to.⁴²

3.38 According to the International Panel on Fissile Materials, the global stockpile of highly enriched uranium in mid 2008 was 1,670 plus or minus 300 tonnes. More than 99 percent of the global stockpile is held by the nuclear weapon states. The global stockpile of separated plutonium is about 500 tonnes – all of which is weapons usable.⁴³ Separated plutonium exists mostly in nuclear weapon states with Russia and the United States possessing by far the largest stocks, but Japan and a few non nuclear weapon states in Europe also have significant stocks.⁴⁴ In relation to Japan, Professor Camelleri told the Committee:

Japan currently sits on an enormous plutonium stockpile. ... The time it would take for Japan to convert even a fraction of that plutonium stockpile, which is the result of its civilian nuclear energy program developed over many years, would be more than enough to develop not one but several nuclear weapons, and if it wanted to – and I am not saying it wants to, it could do that within less than six months.⁴⁵

41 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 2.

42 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 1, *Exhibit No. 89*.

43 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 6.

44 International Panel on Fissile Materials, 2008, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, p. 15.

45 Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 3.

- 3.39 In their submission, Friends of the Earth Australia also drew attention to Japan's plutonium stockpile.⁴⁶
- 3.40 According to Reaching Critical Will, the US, China and Russia have all stated that the scope of the Treaty should not include stocks. However, Pakistan is strongly arguing for the inclusion of stocks on the basis that otherwise 'the inequities of power in the world will simply be enhanced'.⁴⁷
- 3.41 Mr David Noonan of the Australian Conservation Foundation considered that:
- ...we should not distinguish between weapons usable fissile materials said to have been produced for a military or a civilian purpose and we should be fully bringing in all the stockpiles of those weapons usable materials into any acceptable fissile material treaty....⁴⁸
- 3.42 According to Mr John Carlson, the FMCT could not apply to all pre-existing stocks held by the nuclear weapon states and the three non-NPT states, as this would amount to 'instant disarmament':
- The FMCT will cap future production, but it must be recognised that past production in the NWS and non-NPT states would be outside verification.⁴⁹
- 3.43 The International Panel on Fissile Materials in its 2008 report argued:
- In a verified treaty, future production of fissile material for civilian purposes would in any case be under safeguards to prevent this material from being used in weapons. In our view, it would be unnecessarily complicated to keep separate safeguarded pre-existing civilian fissile material and safeguarded post-treaty civilian fissile material. It would be better to ask countries to decide at the beginning what pre-existing fissile material they wish to keep available for weapons and to put all other fissile materials under international safeguards.⁵⁰

46 Friends of the Earth Australia, *Submission No. 77*, p. 8.

47 Reaching Critical Will, 'Fissile Material Cut-Off Treaty', viewed 22 August 2009, <<http://www.reachingcriticalwill.org/legal/fmct.html>>.

48 Mr David Noonan, *Transcript of Evidence*, 25 March 2009, p. 29. See also Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 12.

49 Mr John Carlson, 'Can A Fissile Material Cut-Off Treaty be Effectively Verified?', p. 4, *Exhibit No. 89*.

50 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 28.

A Fissile Material Cut-Off Treaty or Fissile Material Treaty?

- 3.44 The debate over whether the Treaty should include a ban of the use of pre-existing stocks for weapons has led to the use of two different names for the Treaty: Fissile Material Cut-Off Treaty and Fissile Material Treaty.⁵¹ In a paper for ICNND, Dr Patricia Lewis highlighted that countries such as Pakistan have insisted that it be called a Fissile Material Treaty 'in order to express the possibility of it being more than a cut-off in production'.⁵²

Conclusions

- 3.45 It was suggested to the delegation of the Committee that travelled to Europe and the United States that some countries do not want the CD to succeed. However, the Committee concurs with the prevailing view that a FMCT, one part of the CD's agreed work program, is essential. Along with the Comprehensive Nuclear-Test-Ban Treaty, it will contribute to constraining the development of nuclear weapons, thus contributing to disarmament and non-proliferation objectives. Dr Carl Ungerer told the Committee:

They are two instruments that are of critical importance to round out the broader nuclear non-proliferation regime. ... they are the next two measures that we should be heavily focussed on.⁵³

- 3.46 The Committee supports the priority that the Australian Government places upon negotiation and entry into force of a Fissile Material Cut-Off Treaty.
- 3.47 The Committee is concerned however about the prospects for the Conference on Disarmament to progress this Treaty in a timely manner. The Committee notes that when adoption of the Comprehensive Nuclear-Test-Ban Treaty was blocked in the Conference on Disarmament because of the need for consensus, the Treaty was taken to the United Nations General Assembly in New York where it was adopted by an overwhelming majority. This might be an option for the future.

51 International Panel on Fissile Materials, *Global Fissile Material Report 2008: Scope and Verification of a Fissile Material (Cutoff) Treaty*, 2008, p. 27.

52 Dr Patricia M. Lewis, 'The Ban on Fissile Materials for Weapons Purposes (FM(C)T): New Opportunities', viewed 17 August 2009, <http://www.icnnd.org/latest/research/Lewis_FMCT.pdf>, p. 10.

53 Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, p. 43.

3.48 The Committee considers that the Australian Government should continue to use diplomatic efforts to progress negotiation of this Treaty. The Committee recognises that this will require significant effort both to overcome the inertia of the Conference on Disarmament and to address the differing approaches to the Treaty being adopted by different countries. While the issue of Australia's diplomatic capacity will not be addressed until chapter ten, the Committee considers that this is a clear example of where the Government needs to ensure that it devotes adequate resources and expertise to the task. There is also a role that Parliamentarians can play in this process, which will be discussed further in chapter 12.

Recommendation 3

The Committee recommends that the Australian Government continue to pursue vigorous diplomatic efforts to promote negotiation of a verifiable Fissile Material Cut-Off Treaty, as well as measures for safeguarding the vast existing stockpiles of weapons usable fissile materials.

Recommendation 4

The Committee recommends that the Australian Government ensure that adequate resourcing is made available to diplomatic staff in Geneva and, where appropriate, in other missions to enable Australia to take an active and involved role in negotiations for a Fissile Material Cut-Off Treaty.