

FMCT: An Unfinished Mission

Saira Abbasi *

Overview

The dawn of the 21st century witnessed the renewal of global efforts at disarmament and nuclear non-proliferation. Many arms control initiatives have been formulated to secure the world from the catastrophic consequences of weapons of mass destruction.

One of the major objectives of the Nuclear Non-proliferation Treaty (NPT) regime is to halt the production and use of fissile material for nuclear weapons. The negotiations for a separate treaty were needed that would primarily deal with the production of fissile material for weapons. The notion of Fissile Material Cut-Off Treaty (FMCT) is perceived as an imperative step in the complex political and technical process of nuclear disarmament.

The history of FMCT dates back to 1978, when the United Nations General Assembly approved the first of its many resolutions aiming at verifiable control of fissionable material.. In December 1993, the United Nations General Assembly adopted by consensus a resolution (48/75L) recommending the negotiation of a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.¹ However, the resolution, describing the treaty as “a significant contribution to nuclear non proliferation”, failed to address the existing stocks of fissile materials.

In order to pursue UNGA resolution 48/75L, the Conference on Disarmament (CD) decided in 1994 on the establishment of an ad hoc committee to negotiate a fissile material treaty. The committee was unable to reach a consensus on the scope of the treaty; therefore, CD appointed Ambassador Gerald E. Shannon of Canada as a special co-coordinator to seek the views of members on the most appropriate arrangements for negotiating an FMCT.

After intensive consultations, both bilaterally and with groups, Ambassador Shannon was unable to find complete consensus on the mandate for negotiations. The report submitted by Ambassador Shannon to the CD proposed an ad hoc committee to negotiate a ban on the production of fissile material for nuclear weapons or any other nuclear

* *The writer is Research Fellow (Arms Control & Disarmament) at the Institute of Strategic Studies, Islamabad.*

devices that could be non-discriminatory, multilateral and effectively verifiable. The mandate does not prevent any delegation from raising issues for consideration in the ad hoc committee.

Ambassador Shannon in his report presented to CD said:

“During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but of past production. Still others were of the view that consideration should not only relate to the production of fissile material but also to other issues, such as the management of such material.

“Mr President, 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 issues.”²

Despite the support given by the 1995 NPT review and extension conference, the Shannon mandate did not lead to actual negotiations in the CD. Nor did the strong FMCT support of the 2000 review conference of the NPT generate any negotiating momentum.

The CD stalemate

After the end of CTBT negotiations in 1996, the proposal of an ad hoc committee on the FMCT came under discussion. But the CD was not able to make progress in the years after 1996. The underlying reason was a group of non-aligned States, led by India, which was adamant that there should be talks on the phased elimination of nuclear weapons within a time-bound framework. The group blocked discussions of any other nuclear issues upon the rejection of their demands. The nuclear weapon States were reluctant to concur in any meaningful negotiations on comprehensive nuclear disarmament, which led to initial deadlock of the CD, where all decisions are taken by consensus.

From 1999, China insisted that that a treaty on prevention of arms control in outer space should be established in parallel to any FMCT endeavours. China saw the U.S. cancellation of the ABM treaty and establishment of missile defense as a system to cripple its nuclear deterrence, resting currently on minimum strategic nuclear force. Israel has

neither confirmed nor denied the existence of its nuclear arsenal and is therefore not interested in nuclear transparency. Russia is also not willing to provide the transparency of its nuclear installations that would be necessary for their verification.

In 1996, the United States submitted a draft text for negotiating a fissile material cut-off treaty, which did not include any verification provisions, due to America's lack of confidence in the possibility of monitoring compliance with an FMCT. According to the U.S. representative to the CD, Ambassador Jackie Sanders, "The objective of an FMCT is not its verification, but the creation of an observed norm against the production of fissile material intended for weapons."³ It was thought that verification would not only be challenging, but would also require extremely intrusive inspections, such as sampling in and around facilities, which would be unacceptable to the U.S. Department of Defense and other security agencies, as it might pose a danger of compromising national secrets. In addition, it was argued that it is very difficult to verify the absence of clandestine enrichment facilities, and also hard to discriminate between material previously produced and produced after the cut-off date.

The CD thus remained in stalemate for almost twelve years after the conclusion of the Comprehensive Test Ban Treaty (CTBT) in 1996, due to the lack of an agreement among major nations on issues taken up by the CD.

Pakistan and FMCT

Over the past decade, Pakistan has played an active diplomatic role in the FMCT process. In 1998, after the country carried out its nuclear tests, it agreed to negotiate on fissile material talks on the basis of the existing Shannon mandate, while making clear that it intended to "raise its concern about the problem of unequal stockpiles." Pakistan's Ambassador to CD, Munir Akram, spelled out his country's concerns in detail, saying, "We believe that a wide disparity in fissile material stockpiles of India and Pakistan could erode the stability of nuclear deterrence." Later, he explained that Pakistan assumed "India will transform its large fissile material stocks into nuclear weapons and thus Pakistan needed to take into account both India's nuclear weapons and fissile material stockpiles. It therefore cannot agree to freeze inequality."⁴

Pakistan has not been supportive of the treaty's name (FMCT) and argues that it does not agree to the treaty being called "Fissile Material Cut-off", implying only a halt in future production. It should therefore be

called Fissile Material Treaty (FMT). Many States and analysts have endorsed Pakistan's idea of an FMT.

In 2006, Pakistan laid out an open idea for an FMT. Masood Khan, Pakistan's ambassador to the CD, argued that a cut-off in the manufacturing of fissile material must be accompanied by an obligatory programme for the elimination of asymmetries in the possession of fissile material stockpiles by various States. A fissile material treaty must provide a schedule for a progressive transfer of existing stockpiles to civilian use and placing these stockpiles under safeguards so that the unsafeguarded stocks are equalized at the lowest level possible.

The 65-member Conference on Disarmament established a work plan in May 2009, which included negotiations on an FMCT, nuclear disarmament, prevention of an arms race in outer space (PAROS) and negative security assurance (assurance of security to non-nuclear weapon States by nuclear weapon States). Pakistan's ambassador to the CD, Munir Akram, said, "At the time, it's not perfect," without blocking the plan. The CD, however, failed to establish a framework to implement the work plan by the end of 2009, partly due to Pakistan's concerns.

Pakistan has defied international pressure on fissile material talks since 2009. In February 2010, Ambassador Zamir Akram elucidated that with the hope that Pakistan's concern would be addressed by the new U.S. administration, it agreed to the programme of work in 2009. But, unfortunately, this optimism had been short-lived. He further communicated his country's position to the CD by saying that "the deal which had been offered to India, along with the commitments to build up its strategic and conventional capabilities, had encouraged its hegemonic ambitions, the consequences of which can be both unintended and uncontrollable."⁵

"This situation confronted Pakistan with a clear and present danger. In its meeting on January 12, 2010, the National Command Authority of Pakistan had concluded that Pakistan could not be oblivious of these developments in its neighbourhood and, accordingly, it would not compromise on its security interests and the imperative of maintaining a credible minimum deterrence. Pakistan's position at the CD on an FMCT would be based on its national security interests and objective of strategic stability in South Asia."

Many other countries; including Egypt, Indonesia, Iran, North Korea, Sri Lanka and Syria; have joined Pakistan in its position for a more "balanced

programme of work”, particularly the need for talks on nuclear disarmament.

Pakistan’s current position on the FMCT negotiating course is based on the concern that the treaty could disturb the strategic balance in the region by limiting the country’s deterrent capability at a time when India has been presented with other means to increase the size of its nuclear arsenal. The Indo-U.S. nuclear deal and the subsequent Nuclear Suppliers Group (NSG) waiver have allowed India to conclude agreements with countries, including Russia and France, to supply it with nuclear fuel. With NSG exemption, India is placed in a position to increase its fissile material stocks qualitatively and quantitatively. It can now divert its indigenous stock to weapons programme which will increase asymmetry in the region.

Another serious concern for Pakistan is India’s quest for Ballistic Missile Defense (BMD) by seeking help from Russia, Israel and the United States. India’s acquisition of Ballistic Missile Defense is likely to increase strategic imbalance in the region. Pakistan then will need to respond by developing its missile programme and building more warheads, for which it will require more fissile material.

Pakistan has long made a case in the CD that unless the FMCT addresses the issue of the past stock of fissile material, the treaty would freeze inequalities, placing Pakistan at a strategic disadvantage. The stockpile issue has been debated time and again at the CD with the nuclear weapon States, as well as India, insisting that the treaty should only deal with future production. Many non-nuclear States have, however, argued that the treaty should prevent civilian stocks and other fissile stock declared in excess of military use from being diverted to use in weapons.

India’s stance on FMCT has, however, changed over time. It was one of the co-sponsors of the 1993 United Nations General Assembly resolution, but has been hiding behind the objections raised by other countries in the CD. India supports multilateral negotiating process and insists that it will not accept any compulsion detrimental to its national security interests or which impede its strategic programme. India seems to be a strong proponent of the treaty which will deal with future production of fissile material and not with the existing stockpiles.

The principal focus of the treaty after being negotiated would be on Pakistan, as all the five nuclear weapon States have already terminated fissile material production. Israel has neither declared nor denied its nuclear capability. It has, however, adequate stock of fissile material. India has been provided the opportunity to acquire fuel from external sources,

thereby expanding its considerable stockpiles. The pressure will, therefore, likely mount on Pakistan over its production of fissile material.

Conclusion

The conclusion of the FMCT has been a longstanding goal of the international community. The indefinite extension of NPT in 1995 visualized that negotiations on FMCT must take into account both nuclear disarmament and non-proliferation objectives. The differences of the CD members over the scope of the treaty, its effectiveness as well as verification, have halted progress towards the conclusion of the treaty. If the deadlock remains resolved, the CD may lose its significance and relevance. Deep insight is needed at the highest political level by all CD members, in particular those States who continue to have reservations about a verifiable treaty, on whether the idea of an FMCT continues to be a high priority.

Moreover, the concerns of various countries over the existing stockpiles need to be addressed in the most suitable manner. Since CD works on the principle of consensus, any further development towards the conclusion of the treaty would require bringing on board countries like Pakistan and addressing their concerns and apprehensions.

At the same time, political will and sincerity to the cause of nuclear disarmament and non-proliferation, is the pre-requisite to any arms control measure including the conclusion of the FMCT. If the FMCT is to become a reality, it would have to mediate both former and current nuclear security threats. The FMCT should build upon the increased international sensitivity to fissile material security. The conclusion of a multilateral, non-discriminatory and effectively verifiable FMCT should not become an end in itself, but an effective means for nuclear stockpile security.

References

- ¹ Morten Bremer Maerli and Sverre Lodgaard, *Nuclear proliferation and International Security*, Routledge, 2007, p. 236.
- ² Report of Ambassador Gerald E. Shannon on consultations on the most appropriate agreement to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear devices, <http://www.reachingcriticalwill.org/political/cd/shannon.html>
- ³ http://www.armscontrol.org/act/2007_12/Meyer
- ⁴ "Pakistan explains to conference on disarmament the rationale behind its position on a fissile material cut off treaty, <http://www.reachingcriticalwill.org/political/cd/2010/press/part1/18February.html>
- ⁵ Ibid.