FMCT and Pakistan: futuristic perspectives

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Introduction

The objective to make this world free of nuclear weapons can only be achieved if the tools for nuclear arms control & disarmament are implemented universally on the basis of non-discrimination and verified effectively. In this regard, one of the key tools or measure is to conclude a non-discriminatory, multilateral and international and effectively verifiable treaty banning the production and balancing the existing fissile material for nuclear weapons or other nuclear explosive devices. The desire to control fissile material and its production is as old as the dawn of nuclear age.¹ However, since the last decade, especially after the end of the Cold War, the international community is negotiating to conclude a Fissile Material Cut-Off Treaty (FMCT), or Fissile Material Treaty (FMT), and it is still one of the main proposed agenda on the 65-nation Conference on Disarmament (CD).

More recently, in order to reduce the vulnerability of fissile material falling in to the hands of terrorists and potential proliferators, the FM(C)T has once again become a top priority agenda for the international community including many Nuclear Weapons States (NWS). In April 2009, the U.S. President, Barak Obama, in his famous Prague Speech sought the support of the international community to negotiate and conclude an FMCT.² The Weapons of Mass Destruction Commission, in its 2009 declaration, stressed on an agreement to end production of fissile material for nuclear weapons.³ In the 2010 Nuclear Posture Review (NPR) the U.S. has committed to negotiate a verifiable, a reversal of an old stance, FMCT.⁴ The international nuclear disarmament group called "Global Zero" in its "Global Zero Action Plan" urged to conclude, sign and ratify an FMCT by 2013.

Furthermore in 2010 UN Disarmament Commission Session China urged that the negotiations on a FM(C)T should begin swiftly in the CD. Later on the May 2010 NPT review conference also identified action plans for a world without nuclear weapons which includes measures to immediately negotiate an FM(C)T, and urged all NWS that they should declare and place all their fissile material which are no longer required for military purposes under the IAEA.⁵ However, the negotiations to conclude an FM(C)T are not moving beyond the 1995 Shannon mandate. It is facing numerous challenges over its nature and scope; issues of existing and production of future stockpiles; production of non-explosive fissile material; issues of verification and other technical, political and security related differences. It is also widely believed by the key international

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players that Pakistan is blocking its way. More recently on September 24, 2010, in a high-level meeting convened under the United Nations Secretary General (UNSG), Ban Ki-moon, several delegations from different countries clearly singled out Pakistan for abusing the consensus decision-making rule in order to prevent the CD from implementing its work plan.⁶ Let us find out the truth.

Pakistan and FM(C)T: a stalemate at CD

Pakistan, as a responsible nuclear weapon state, has always played its part to achieve the objectives of a peaceful world. Pakistan has supported the United Nations General Assembly (UNGA) Resolution 48/75L of December 16, 1993 which recommended to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices."⁷ The resolution was proposed in such a way that it only addressed production of future fissile material not the past stock. Pakistan raised this concern and proposed that the negotiation process should also include the issue of existing stocks of fissile material.

On March 24, 1995, Ambassador Gerald E. Shannon, who was tasked to seek the views of members on a fissile material treaty, in his report known as "Shannon Mandate," recommended to establish an Ad Hoc committee, which would not preclude any delegation from raising issues of scope of the convention, future and present stocks of fissile material and management of such material.⁸ Pakistan supported Shannon mandate on the grounds that it would help address the issue of past fissile stocks. Over the next few years the CD failed to gather any momentum on an FM(C)T. In the meantime, the main significant development was the 1995 NPT review conference where member states agreed to immediately commence and conclude negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the mandate of CD.⁹

When in 1998 India and Pakistan conducted their nuclear tests, pressure was mounted against Pakistan to participate in an FM(C)T negotiations for its early conclusion. On June 6, 1998 the United Nations Security Council (UNSC) passed its resolution 1172 and urged India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the CD on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement.¹⁰ It is important to note that 1998 nuclear tests by India were conducted with a view that it will alter the strategic balance between India and Pakistan, but Pakistan maintained this balance by conducting its own nuclear test. Since then, for Pakistan nuclear weapons served as a security assurance against its traditional rival India which was superior in conventional armaments. Although Pakistan was against any nuclear arms race in the region, however, in order to maintain strategic stability and a strategic balance vis-à-vis India Pakistan started to continue on the path of a minimum credible nuclear deterrence. As on February 12, 2009, Pakistan's Ambassador Zamir Akram, stated Pakistan's position in the Conference on Disarmament, "Pakistan was not the first to introduce nuclear weapons in our region. We were compelled to do so in order to achieve a credible deterrence to guarantee our security. Pakistan's nuclear programme is purely defensive and based on minimum credible deterrence. It is security-driven, not status-driven."¹¹

After the 1998, nuclear tests by Pakistan, a discriminate international response coupled with sanctions clearly represented that the international community was totally ignorant of Pakistan's national security interests. Despite this Pakistan declared a unilateral moratorium on nuclear testing and agreed to promote the decision of establishment of Ad Hoc committee and to commence negotiations on an FM(C)T in accordance with the Shannon mandate. Pakistan also decided to raise its concerns of un-equal stocks at the Ad Hoc committee of the conference. On July 30, 1998 Pakistan's Ambassador to CD, Munir Akram, in his statement presented the country's position and said that "We believe that a wide disparity in fissile material stockpiles of India and Pakistan could erode the stability of nuclear deterrence."¹²

On August 11, 1998, Ambassador Munir Akram in another statement, highlighting the fundamental difference between the CD member over the future and existing stockpiles and to promote objectives of not only nuclear non-proliferation, but also to pursue the objectives of nuclear disarmament, termed the FMCT as a "lose abbreviation."¹³ He described that "Cut-off" implies only a halt in future production and Pakistan is not going to endorse such formal description of the treaty. The statement further pointed out that, "India will transform its large fissile material stocks into nuclear weapons. This will accentuate the threat to stability and security in South Asia. In calculating the balance required to maintain deterrence vis-à-vis India and Pakistan, we shall need to take into account both India's nuclear weapons and fissile material stockpiles. We cannot therefore agree to freeze inequality, especially when this directly threatens our security."¹⁴ Pakistan proposed that such a treaty should be called as Fissile Material Treaty (FMT) which was later endorsed and adopted by many members in their deliberations.

Meanwhile, an Ad Hoc Committee was established during 1998, but it failed to carry its mandate into the next year. In 1999, the Comprehensive Test Ban Treaty (CTBT) was rejected by the U.S. Senate which also impacted the progress of an FM(C)T within the CD. In response to the U.S. plans to deploy National Missile Defence (NMD), China linked negotiation on an FM(C)T with negotiation on Prevention of an Arms Race in Outer Space (PAROS) and nuclear disarmament, thus blocking any possible progress to re-establish the Ad Hoc Committee on the negotiation of an FM(C)T in particular and adoption of the programme of work in general.¹⁵ However, the 2000 NPT review conference once again reaffirmed its support for the Shannon mandate and urged the CD to

agree on a programme of work which includes the immediate commencement of negotiation on an FM(C)T.¹⁶

The deadlock continued in the CD. In 2003, five former presidents of the CD proposed an "A-5" proposal which called for establishing four ad hoc committees, one of which was to negotiate the terms of an FM(C)T.¹⁷ However, these committees were never established due to difference over scope of the treaty. In August 2003, China revised its position by dropping its condition that a treaty on prevention of arms race in outer space should be negotiated simultaneously with a fissile material treaty. In July 2004, the U.S. said that while it still supported an FMCT it was of the view that effective verification was not achievable.¹⁸ Based on these the U.S. presented a draft text of the treaty to negotiate in 2006.

On May 16, 2006, Pakistan ambassador to the CD, Masood Khan in his statement maintained that the treaty must address the question of production – past, present and future – in its entirety both at regional and global levels.¹⁹ He gave a rational of Pakistan's position on following grounds;

- For states with huge stockpiles, a halt in their production at some point in future will be virtually cost free. All NWS have sufficient stocks of HEU and Plutonium to service and modernise their nuclear forces. A cut-off in future production alone will simply finalize and formalize the status quo. For them the only cost would be to accept the safeguards on their non-operational enrichment and reprocessing facilities.
- A mere cut-off will run the risk of both vertical and horizontal proliferation.
- Existing stockpiles, unless accounted for and monitored, could be used for the development of new and most sophisticated nuclear weapons.
- The asymmetry in the stockpiles at the global and regional levels will be a factor of strategic instability. One can only presume that overtime large fissile material stocks will be transformed into nuclear weapons, thus accentuating asymmetries. Inequalities should not be frozen and perpetuated. An FMT, which freezes regional asymmetries, will, in our view, accelerate not arrest nuclear weapons proliferation.
- An FMT will have little credibility if existing stocks of military fissile material are not addressed in some form. In addressing the question of existing stocks, upper limits of fissile materials as well as the principles of proportionality and sufficiency must be taken into account.
- The proposed treaty should not be called an FMCT, implying a halt only in future production, but more appropriately, an FMT. A treaty that aims at only cutoff in the future production will be a non-proliferation measure

whereas inclusion of the past production will be a step towards disarmament. A large number of member states, think tanks, academic institutions, and representatives of civil society use the term 'fissile material treaty' and the acronym 'FMT'.

• As Secretary General Kofi Annan said in May 2005, we can only hope to achieve meaningful disarmament, "If every state has a clear and reliable picture of the fissile material holdings of every other State, and if every State is confident that this material in other States is secure."

He further stated that Pakistan therefore holds the view that;

- 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.
- A cut-off in the manufacturing of fissile material must be accompanied by a mandatory programme for the elimination of asymmetries in the possession of fissile material stockpiles by various states. Such transfer of fissile material to safeguards should be made first by states with huge stockpiles, both in the global and regional context.

In May 2009, for the first time in 10 years, with Pakistan's assent the CD adopted a programme of work organized around four working groups, one of which was tasked with negotiating an FM(C)T on the basis of the Shannon mandate. The other groups were to manage discussions on nuclear disarmament, preventing an arms race in outer space, and security assurances.²⁰ Due to procedural issues the CD failed to bring the 2009 programme of work into 2010.

Meanwhile, maintaining a policy of credible minimum deterrence, and strategic stability in South Asia with utmost restraints and responsibility Pakistan National Command Authority (NCA), Chaired by Prime Minister, Syed Yousaf Raza Gilani, in its January 13, 2010 meeting clearly stated that, "Pakistan will not compromise on its security interests and the imperatives of maintaining a credible minimum deterrence."²¹ The NCA statement also highlighted that Pakistan is committed to work as an "equal partner" in international effort for general and complete nuclear disarmament and non-proliferation; underscored the need for non-discriminatory policies and accommodation of the reality of Pakistan's nuclear weapon status for promoting global non-proliferation goals; and promotion of nuclear non-proliferation and disarmament objectives in South Asia are linked with regional security dynamics and the need to address existing asymmetries and resolution of outstanding disputes.²² Keeping in mind these policies and principles the NCA gave a clear position of Pakistan on the issue of FMT;

"As far as the consideration of a Fissile Material Treaty (FMT) at the CD is concerned, Pakistan's position will be determined by its national security interests and the objectives of strategic stability in South Asia. Selective and discriminatory measures that perpetuate regional instability, in any form and manner, derogate from the objectives of nuclear disarmament and non-proliferation and, therefore, cannot be accepted or endorsed. Pakistan will not support any approach or measure that is prejudicial to its legitimate national security interests."²³

Such policy statements clearly represents that a state cannot compromise its national security over some selective and discriminatory measure. On January 19, 2010, in the First part of the CD discussion during 2010, Pakistan's representative to the CD Zamir Akram supporting Pakistan's position on arms control said that the international arms control architecture is incomplete and proposed two additional items on the CD's agenda, i.e. the issue of conventional arms control at regional level and a global missile control regime.²⁴ However, the idea of a regional arms control was opposed by the Indian delegation to the CD. Ambassador Akarm communicated Pakistan's position on an FMT that a ban on future production will increase the asymmetry in fissile material stockpiles between India and Pakistan as Indian would be able to produce more fissile material after the 2008 waiver from the Nuclear Suppliers Group (NSG) under the Indo-U.S. nuclear deal.²⁵ Any asymmetry in fissile material between Indian and Pakistan can jeopardize the credibility of deterrence in South Asia. Indian Ambassador to the CD, Hamid Ali Rao, criticized Pakistan's position and said that CD is not a forum to address bilateral or regional issues and Pakistan should avoid bringing up extraneous issues in the CD.²⁶

During the second part of the CD session, which was held from May 31 to July 16, 2010, Pakistan clearly pointed out that a pursuit of an FM(C)T unfairly singles out Pakistan as programme of work undermines security interests of Pakistan.²⁷ However, on July 15, 2010, the final plenary meeting of the second session of the CD concluded without consensus on a programme of work. The third part of the CD session was held from August 9, to September 24, 2010. The delegation from Japan called for the re-examination of the consensus rule in order to end the deadlock over an FM(C)T. Delegates from different countries, including, Canada, Ireland and Mexico supported the idea to take the issue of an FM(C)T outside the CD. The U.S. also favored an alternative approach outside the CD to start negotiations on an FM(C)T. However, Ambassador Akram, said that Pakistan has no problem with negotiations of an FMT occurring outside of the CD, but would never take part in them.²⁸ On September 24, 2010 in a highlevel meeting the UN secretary general Ban Ki-moon, in an effort to bypass the CD, tried to break the stalemate in the CD's discussions on the FM(C)T.²⁹ Delegates from Australia, United Kingdom and United States, called for negotiations on an FM(C)T to be moved to the UNGA. The Chinese and Russian delegations expressed opposition to this idea, claiming that excluding Pakistan from this process would be undesirable.³⁰

A futuristic perspective

A careful analysis of above mentioned Pakistan-CD standoff would not only helps to understand Pakistan's position on the long standing issue of an FMT, but it would also helps to draw a future course of action for Pakistan vis-à-vis an FMT. It in quiet clear that over the years, Pakistan position on an FMT has evolved around its national security interests, regional strategic stability dynamics and promoting the values of a peaceful world. Following are some futuristic perspectives, which mainly revolve around Pakistan's concerns, to conclude an effective FMT;

- The treaty should be called as an FMT (as Pakistan maintains) because Cutoff only represents a ban on future production not on existing fissile material stockpiles.
- One of the main Pakistan's concerns is the question of existing and unequal . stockpiles. For Pakistan the proposed FM(C)T represents a "clear and present" danger because there is a wide disparity in India-Pakistan fissile material stocks. According to the International Panel on Fissile Material (IPFM), "Global Fissile Material Report 2009," Pakistan's Highly Enriched Uranium (HEU) stocks are estimated at 2.1 metric tons; whereas estimate of Indian stocks of HEU are around 0.6 metric tons.³¹ India is producing its weapons grade plutonium, at a combined rate of 30kg per year from its two reactors, Cirus and Dhruva. According to IPFM 2009 estimates India has a stock of 700kg of weapons grade plutonium from these two reactors.³² It separates much more plutonium from the spent fuel of its unsafeguarded pressurized heavy water power reactors (PHWRs), eight of which will remain outside the International Atomic Energy Agency (IAEA) safeguards under the U.S.-India deal. Comparing with India, Pakistan's plutonium stocks are estimated at 0.1 metric tons. Based on these estimates India can produce around 140 nuclear weapons from its separated plutonium; whereas Pakistan can produce around 100 nuclear weapons from its HEU stocks.³³ Negotiating such a treaty would prevent Pakistan from matching India's fissile stocks and production potential.³⁴

On these grounds, concluding an FM(C)T would prove a discriminatory measure for Pakistan, because the question of unequal stocks can erode strategic stability in the region; and it is clear that it will alter the strategic balance in Indian favor. If the purpose of an FM(C)T is to strengthen the security of all nations irrespective of their strength and status then it should also be able to address Pakistan's security concerns. It is clear that negotiating and signing such treaty would put Pakistan on a disadvantageous position vis-à-vis India who has not only huge stockpiles of fissile materials,

but also has other ways to develop more weapons grade materials. In recent years major NWS have blamed Pakistan for creating hurdles in the way of negotiating an FM(C)T. This has supported the international argument that Pakistan is buying time to produce fissile material to equate its strategic balance with India. However, on the other side the international community is not realizing the impact of India's Cold Start Doctrine; its conventional military buildup; India's missile defence programme, and implications of the Indo-U.S. nuclear deal.

Under such conditions, it would become impossible for Pakistan to freeze its stock on an unequal basis and to be a part of an FM(C)T. Pakistani leadership have made it clear that Pakistan wants to follow strategic restraints in the region and due to its involvement in the "War against Terror", economically it is not possible for Pakistan to indulge in any nuclear or conventional arms race in the region. So any tilt in strategic balance would bring negative consequences. In 2010 Pakistan NCA clearly stated that "Pakistan's position will be determined by its national security interests and the objectives of strategic stability in South Asia. Pakistan will not support or measure that is prejudicial to its legitimate national security interests." Therefore the treaty must address the question of existing stocks accompanied by elimination of regional as well as global asymmetries. The principle of proportionality and sufficiency must be taken into account. Before any final conclusion the treaty should also find the solutions of a country's national security concerns; it should also accommodation regional security dynamics to maintain a strategic balance between two nuclear capable adversaries. The treaty should also take into account a conventional arms control and a regional as well as global missile control regime.

- An FMT should fulfil the objectives of non-proliferation and disarmament in order to prevent vertical and horizontal proliferation.³⁵ Freezing inequalities under a "cutoff" can derail a global effort to free this world from nuclear weapons. Although a future cut will help to maintain a status quo, but a huge undeclared fissile material stockpile of major NWS can be diverted to modernize and develop thousands of more nuclear weapons. According to the IPFM 2009 report to end the threat from nuclear weapons will involve securing, safeguarding and eliminating the current worldwide stockpile of about 1600 tons of HEU and 500 tons of separated plutonium.³⁶ Only a future ban on production can also trigger the transfer of unsafeguarded fissile materials. Furthermore due to any perceived regional asymmetry states can opt out from such arrangement which can result in generating nuclear arms race; destabilizing regional balance; and undermining the objectives of global arms control and disarmament.
- A treaty without effective verification mechanism will have no clarity and reliability. Pakistan in its deliberation over an FM(C)T has always supported a strong international verification mechanism. In this regard, experiment of a

new safeguards regime would be difficult and costly for smaller NWS. Therefore the IAEA safeguards system, which has been developed over some five decades, should be utilized as an ideal foundation for an FMCT's verification arrangements.³⁷ In India-Pakistan case both states lacks trust so compliance on an FMT cannot be determined by just confidence on each other. Environmental sampling and on-site inspection followed by the IAEA safeguards can play a vital role if the NWS are really committed towards a world free of nuclear weapons. Otherwise shutting down of just few facilities will not attain highest level of confidence among NWS especially between India and Pakistan. Furthermore all NWS should declare and place their fissile materials which are no longer required for military purposes under the IAEA and their transfer for civilian purpose should be controlled under the IAEA safeguards. Production of non-explosive fissile material for civilian purposes should also be monitored by the IAEA.

- The treaty should also ensure safety and security of existing stockpile to prevent it from falling into the hands of terrorists, non-state actors and potential proliferators. According to a working paper submitted to CD Australia, such would further tighten controls on fissile material, reducing the risk of fissile material leaking to proliferators or terrorists.
- For a universal adherence an FMT should be a non-discriminatory measure. A "Cutoff" simply represents a ban on future production of fissile material and it would best suit the interests of major NWS who have large fissile stockpiles. On March 2010 Pakistan's representative at the UN, Zamir Akram, in his statement at the CD, clearly stated that "Such a treaty, which only calls for a cut-off of future production of fissile material, is or will be cost free for the nuclear weapons States. There are thousands of weapons between them and because of that they really do not require any more fissile material and therefore, this treaty is ripe for them."³⁸ As a result any selective or discriminatory measure would fail to bring onboard countries like Pakistan.
- The CD members who support only future cuts have warned about "other options" if the negotiations do not begin on an FM(C)T in 2011. Pakistan has clearly stated its position that it will not be a part of any outcome negotiated outside the CD. The major international players should play a positive role in this regard and they should try to accommodate concerns of smaller states by respecting their difference. Otherwise, altering consensus rule in the CD will compel member states to stay outside of such measures. This will not only disturb international nuclear non-proliferation regime, but it will also impacts the global efforts for a world free of nuclear weapons.

Conclusion

An FMT should be concluded in such a way that it should represent a nondiscriminatory approach; address legitimate security concerns of all its member states; accommodate present realities and become a real and practical foundation for a world free of nuclear weapons. By focusing on regional security dynamics the international community can bring onboard countries like Pakistan. Otherwise it would become difficult for Pakistan to join an FMT at the expense of its national security. In a regional context India and Pakistan should pursue a strategic restraint regime by not indulge in any conventional or nuclear arms race. Negative security guarantees should also be extended to these new nuclear weapons states by major powers in order to win their trust. Furthermore, without a credible and acceptable international verification regime a meaningful conclusion of an FMT is not possible. To accommodate nuclear non-proliferation and nuclear disarmament objectives the treaty should rather be called as Fissile Material Cutoff & Elimination Treaty (FMCET). This will not only help to cut future production, but it would also be helpful for a gradual and proportional elimination of existing fissile material stockpiles.

Notes and references

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- ³ Declaration adopted by the Weapons of Mass Destruction Commission, Washington, April 30, 2009, *http://wmdcommission.org/files/WMDC_Declaration_30_April_* 2009.pdf
- ⁴ "*Nuclear Posture Review Report 2010*", U.S. Department of Defence, April 6, 2010, for full text, see, *www.defense.gov/npr*.
- ⁵ "2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Draft Final Document," NPT/CONF.2020/L.2, May 27, 2010.
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