
Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Fissile Material Cut-Off Treaty: Contributing to our shared goals under the NPT

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Nigeria, the Philippines, Poland, Turkey and the United Arab Emirates)

Summary: The Non-Proliferation and Disarmament Initiative (NPDI) recognizes the continued importance of a Fissile Material Cut-Off Treaty (FMCT) and acknowledges that the long-awaited commencement of FMCT negotiations would make a substantial concrete contribution towards the goals shared by all Parties under the NPT. The NPDI welcomes the consensus report of the High-Level Expert FMCT Preparatory Group released in July 2018, which could facilitate the task of future FMCT negotiators. The NPDI acknowledges the substantive discussions on FMCT that took place in Subsidiary Body 2 of the Conference on Disarmament in 2018, which resulted in a report that was adopted by consensus. Nonetheless, the NPDI remains gravely concerned about the dim prospects for FMCT negotiations in the Conference on Disarmament, given the continued stalemate in that forum. The NPDI calls upon all Parties to the NPT to reaffirm support for the immediate commencement of FMCT negotiations and to carry out additional transparency and confidence-building measures that could facilitate these negotiations. The NPDI further calls upon Nuclear Weapon States that have not already done so to declare and implement a moratorium on fissile material production.

Report: The members of the Non-Proliferation and Disarmament Initiative (NPDI) reaffirm their commitment to pursuing the immediate commencement of negotiations of a treaty banning the production of fissile material for use in nuclear weapons or other explosive devices. The underlying obligations in a fissile material cut-off treaty (FMCT) would, *inter alia*, prohibit the production of fissile material for nuclear weapons or nuclear explosive purposes, and would not affect the inalienable right of all Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to research, produce and use nuclear energy for peaceful purposes in conformity with the NPT. In this respect, the early commencement of FMCT negotiations is a shared priority for all Parties to the NPT and, more generally, for the international community.

Since the United Nations General Assembly adopted, by consensus, the objective of negotiations for a fissile material cut-off treaty in 1993 (A/RES/48/75), an FMCT has been

a shared nuclear non-proliferation and disarmament priority for the international community.

The UN General Assembly has provided the international community with the primary venue for substantive, expert level discussions on a FMCT, covering both technical considerations and broader political issues. In 2012, the UN General Assembly adopted a resolution establishing a Group of Government Experts (GGE) on a FMCT (A/RES/67/53). Released in 2015, the GGE report (A/70/81) provides an in-depth assessment and recommendations on key aspects of a future treaty. Another resolution was adopted by the UN General Assembly in 2016 (A/RES/71/259) to establish a High-Level Fissile Material Cut-off Treaty Expert Preparatory Group (Preparatory Group) to build on the work of the GGE. The 25-member Preparatory Group was geographically diverse in its representation and included all five NPT Nuclear Weapon States, India, and 19 Non-nuclear Weapon States.

The High-Level Expert Preparatory Group's July 2018 consensus report (A/73/159) provides a compendium of potential treaty elements and a summary of considerations that negotiators of a future FMCT should bear in mind when deliberating on these options. In this respect, the report could facilitate the task of future FMCT negotiators. The report emphasizes that negotiations of a FMCT should begin without delay, and makes recommendations on further work that could be undertaken, in parallel to or in advance of negotiations, to facilitate the successful conclusion of a FMCT.

The NPDI endorses initiatives like the Preparatory Group for providing venues for inclusive and genuine dialogue and consultation through mechanisms such as the informal consultative meetings held in 2017 and 2018 that allowed the broader UN membership to engage in the Preparatory Group's work. The NPDI congratulates the members of the Preparatory Group for their work, and welcomes the resulting report.

Similarly, the NPDI acknowledges the work conducted in 2018 by Subsidiary Body 2 of the Conference on Disarmament. Through the coordination of the Netherlands, Subsidiary Body 2 considered general and technical aspects of a future FMCT and discussed the value of further work in these areas. These discussions resulted in the Conference on Disarmament (CD) adopting, by consensus, a report on this topic.

The NPDI acknowledges the value of carrying out further work, either prior to the start of FMCT negotiations or in parallel with these negotiations, on technical and scientific aspects, scope, definitions, verification, legal and institutional arrangements, and on transparency and confidence-building measures relating to a FMCT.

The NPDI notes, with appreciation, the adoption by the UN General Assembly in December 2018 of a resolution on a FMCT (A/RES/73/65). With the support of 182 countries, the resolution, *inter alia*, welcomed the adoption by consensus of the Preparatory Group's report, and called for the immediate commencement of negotiations on a FMCT. Yet, despite this near-universal support, the long-standing stalemate in the CD continues to impede the start of negotiations in that forum. The NPDI remains gravely concerned about the dim prospects of FMCT negotiations in this forum.

Recalling the continued importance of a FMCT and acknowledging that the long-awaited commencement of FMCT negotiations would make a significant concrete contribution towards our shared goals under the NPT, the NPDI calls on all NPT Parties to reaffirm support for immediate commencement of FMCT negotiations and to carry out additional transparency and confidence-building measures that could facilitate the commencement of FMCT negotiations. The NPDI further calls upon Nuclear Weapon States that have not already done so to declare and implement a moratorium of fissile material production.