

FMCT Negotiations – The Impasse May Last

By: Huma Rehman

A Fissile Material Cut-Off Treaty (FMCT) is a proposed international agreement that would prohibit the production of the two main radioactive materials commonly used in nuclear weapons: Highly-Enriched Uranium (HEU), and Plutonium. Discussions on this subject are being held within the UN Conference on Disarmament (CD), a body of 65 member nations established as the sole multilateral negotiating forum on disarmament.¹ The International Panel on Fissile Material (IPFM) conceptualized the debate/disagreements over the treaty provisions and the term FMT was preferred by same states.² A number of treaty drafts have been proposed. These include 2003 proposal by the IAEA Safeguard Office, Green Peace International proposal 2004, the US proposal of 2006 and IPFM released a proposal in 2009. International community set certain bench marks for restraint and restriction to curb further development or deployment of nuclear capable missiles and aircrafts. It specifically lays stress on accession to the negotiations on FMCT was endorsed without a dissenting vote in 1993 by the United Nations General Assembly.³ States' divergent interests have however impeded progress in FM(C) T negotiations. Formal negotiations on FMCT have not yet taken place, though preliminary discussions are ongoing.

The sixth annual Global Fissile Material Report (2011) the International Panel on Fissile Materials (IPFM) provides updated estimates for global and national stockpiles of Highly Enriched Uranium (HEU) and Plutonium. Hence, developments in military and civilian fissile material production capabilities in nuclear weapon states and in the non-weapon states are grave concern for global security. Global stockpile of HEU in 2011 consisted of roughly $1,440 \pm 125$ tons, which would be enough material to create 60,000 first generation nuclear weapons. Approximately 98% of the HEU stock is owned by nuclear weapon states, Russia and the United States among them have the largest stocks.⁴ According to this report, India and Pakistan are believed to have

¹ Daryl Kimball, "Fissile Material Cut off Treaty (FMCT) at a Glance," August 2012. Available at: www.armscontrol.org/print/5336.

² States promoting ban on production of fissile material refer to it as FMCT and the challenging this ban states opposed to the ban tend to call it a Fissile Material Treaty (FMT).

³ UN General Assembly Resolution 48/75L, 1993, www.ipfmlibrary.org/unga4875.pdf.

⁴ Zia Mian, IPFM releases Global Fissile Material Report 2011: Nuclear Weapon and Fissile Material Stockpiles and Production. Available at: http://fissilematerials.org/blog/2012/01/ipfm_releases_global_fiss_1.html. For Details See, Sixth annual report of the International Panel on Fissile Materials, Global Fissile Material Report 2011

ongoing production operations for HEU. Although total global stock continues to decrease, mainly because of the efforts of the United States and Russia to reduce unneeded HEU stockpiles presumed as excessive to their military requirements.⁵

Big and small powers have different positions regarding FMCT. The current US position on FMCT can be assessed by President Barack Obama's Prague speech in April 2009. President Obama announced the need for a treaty that "verifiably ends the production of fissile materials intended for use in state nuclear weapons."⁶ It deviated from the earlier US position taken by President Bush in 1996. Earlier US position was that FMCT was effectively not verifiable. July 29, 2004 statement released by the Bush administration also shed some light on the thinking behind the policy shift. "Effective verification of an FMCT 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."⁷ Slight shift in US position indicates that US now thinks that verification of FMCT was a possibility. Obama's commitment raised hopes that the FMCT may be given due consideration and prove to be an important step toward eliminating the threat of nuclear weapons.

A draft FM (C)T proposal presented by US in CD Geneva in May 2006 proposed that the treaty could be concluded with only five established nuclear states. The treaty would ban further production of HEU and Plutonium for weapons use fifteen years. The proposal did not suggest any mechanism for verification and considered national verification measures sufficient for stopping further enrichment of fissile material by individual states. In perspective of this proposal US congress was briefed in July 2006. The briefing brought into limelight the difficulties in the way of FM(C)T negotiations. Several questions were raised in the briefing. Doubt was cast on US intelligence capabilities to monitor enforcement of fissile material enrichment by other countries particularly China. Secondly, how India, Israel and China could agree to national technical means as the only and reliable verification mechanism. Furthermore, what would be its impact on Non proliferation efforts if the treaty enters into force with just five established nuclear states.

Nuclear Weapon and Fissile Material Stockpiles and Production. Available at:
<http://fissilematerials.org/library/gfmr11.pdf>.

⁵ Opcit, Daryl Kimball.

⁶ Kingston Reif and Madeleine Foley, "Fact Sheet on the Fissile Material Cutoff Treaty (FMCT)," July 15, 2009. Available at:
http://armscontrolcenter.org/issues/nuclearweapons/articles/071509_factsheet_fmct/#_edn18

⁷ Wade Boese, "Bush Shifts Fissile Material Ban Policy," September 2004. Available at :
http://www.armscontrol.org/act/2004_09/FMCT.

Russia officially supports an agreement that focuses on a verifiable ban on the production of fissile material for weapons purposes, to which every state with enrichment programs and the capability to produce a nuclear weapon, is a signatory. On the other hand, Israel strongly opposes FMCT because it does not believe that a FMCT would be an adequate safeguard against Iranian development of nuclear weapons. Israel operates its plutonium-producing Dimona reactor, but it is suspected that it may be producing Tritium, and not Plutonium.⁸ According to the Nuclear Threat Initiative NTI report 2012, Israel is reported to have 0.82 ± 0.15 Metric Tons of Plutonium and 0.3 metric Tons of HEU.⁹ The Indian position on FMCT at present is largely lined up with that of France, the United Kingdom, and the United States. It has approximately two metric tons of Highly Enriched Uranium and five metric tons of separated Plutonium, compared to 2.75 metric tons and 0.14 metric tons estimated to be held by Pakistan.¹⁰ Thus it may be assumed that India would support FM(C)T. India's support to FM(C)T may in fact prove to be counterproductive in achieving its objectives and lead to destabilization of South Asian strategic environment. It is believed that Pakistani and Indian positions may coincide at some stage when the negotiation begin by not accepting FMCT proscriptions on the production, stockpiling or converting of fissile material into weapons or refusal to stop developing of missile for weapons delivery. Both want to remain nuclear weapons states and maintain minimal deterrence. Pakistan wants to retain nuclear capability in order to neutralize Indian threat. On the other hand India justifies its nuclear status as safeguard against nuclear China. Present estimates of fissile material asymmetric stockpiles may compel Pakistan to continue its enrichment program and achieve parity in fissile material stockpiles with India before conclusion of the treaty.

Overt nuclear tests by India and Pakistan in 1998 brought nuclear non proliferation issue to the focus of the world community again. Major concerns of the international community include threat to undermining regional security, incentive for other non nuclear states for acquiring nuclear weapons, and serious setback for Nuclear Non-Proliferation Regime. In international perspective, peace and stability in the world have been negatively affected by these tests.

⁸ Daryl Kimball, "Fissile Material Cut off Treaty (FMCT) at a Glance," August 2012. Available at: www.armscontrol.org/print/5336.

⁹ NTI by the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, 2012. Available at : http://www.nti.org/media/pdfs/military_fissile_material_stockpile_1.pdf.

¹⁰ Andrea Berger, "Finding the Right Home for FMCT Talks," October 2012, Available at: http://www.armscontrol.org/act/2012_10/Finding-the-Right-Home-for-FMCT-Talks#Berger.

Pakistan supported the initiation of talks on Fissile Material Cut-Off Treaty on the condition that the treaty would take into account the existing stockpiles of fissile material and would not be restricted to putting a halt to further production of fissile material. The blame that Pakistan is stalling the FMCT negotiations actually overlooks Pakistani concerns. In this regard, Pakistan's Ambassador to the CD Zamir Akram said that "Pakistan's negotiations on FMCT were not progressing due to 2008 Indo-US agreement by the key nuclear technology suppliers trade with India."¹¹ For this reason Pakistani officials refer to the treaty as Fissile Material Treaty (FMT) instead of Fissile Material Cutoff Treaty (FMCT).

Pakistan along with some other states would like fissile material to be explicitly defined. It presently include only HEU and Plutonium as fissile materials. A more precise definition would cover materials with nuclear utility available to more resourceful states, such as Americium, Neptium, Tritium, Thorium etc which are not under the proposed characterization for direct use fissile material.

Pakistan and other critics of the concessions given to the India by the Nuclear Suppliers Group (NSG), which has 46 members, have argued that, India now having access to the international nuclear market, can use foreign sources of uranium for its nuclear power reactors and keep its limited domestic Uranium reserves for its military program, potentially allowing it to maintain a larger nuclear arsenal. Pakistan's concerns include its security interests and the compulsion of maintaining a credible deterrence. FMCT would provide permanence to the existing asymmetry in fissile material stockpiles in the region. Substantial inequities of the nonproliferation regime and refusal to let Pakistan participate in the export control cartels, especially the NSG, are limiting its ability to meet its growing energy needs through using nuclear energy. Without getting assurance to address its security needs Pakistan is not likely to proceed further on FM(C) T negotiations.

Pakistan has therefore, shown willingness to participate in proposed treaty negotiations provided it is non-discriminatory and takes into account Pakistan's concerns, it is universally applicable to all states and a clear definition of fissile material is added to the agreement so as to include all fissile materials and not just HEU and Plutonium.

*Huma Rehman is a
CISS Research Associate*

¹¹ Peter Crail, "Pakistan's Nuclear Buildup Vexes FMCT Talks," March 2011. Available at: <http://www.armscontrol.org>.