



U.S. DEPARTMENT OF STATE
DIPLOMACY IN ACTION

Progress on Commencing Fissile Material Cut-Off Treaty Negotiations

Remarks

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Thank you for having me here today. It is always a pleasure to be at Wilton Park, particularly during this festive time of year.

I am also glad to be here talking about the development of a Fissile Material Cut-off Treaty (FMCT). As you all know, an FMCT has long been one of the key goals of multilateral arms control. A cut-off will provide a solid foundation for future disarmament efforts, and help to consolidate the arms control gains made since the end of the Cold War. An FMCT's verifiable controls on fissile material production will play an important role by strengthening confidence among the relevant states and help to create the conditions for a world without nuclear weapons. The United States is firmly committed to making this Treaty a reality.

Though we believe that the Conference on Disarmament (CD) is the best-suited international body for negotiating a multilateral arms control agreement, we've made no secret of our frustration with the CD's current impasse with FMCT - a frustration shared by many countries. Secretary Clinton told the CD our patience is not unlimited and I will reiterate that sentiment here. We are in a race against time and these obtrusive delays put our collective security at risk. However, the United States is encouraged that the P5 is renewing joint efforts to move the CD closer to FMCT negotiations.

To CD or Not to CD?

Of course, for any negotiation to be substantive and worthwhile, the key states most directly affected by an FMCT should be involved. When it comes down to what is in the best interest of international security, the negotiating venue for the FMCT is of less importance than the participants.

That being said, there is no current consensus among these key states to negotiate an FMCT outside the CD. We believe that it is unlikely that any – much less all – of the non-NPT states would participate in efforts such as technical expert talks in Vienna, which is one idea that has been circulated. It is not even clear that all P5 states would participate in such outside efforts.

Technical discussions that lack key participants are also unlikely to be fruitful. Indeed, they could actually serve to undermine the sense within the international community that FMCT is ripe for negotiation. We should be wary of unworkable technical proposals that create unrealistic expectations and move us further from the needed consensus. This is a risk we should not take as we seek to create and sustain momentum for an FMCT. The fact is that the key obstacles to FMCT negotiations are political, not technical.

There are also those who propose moving FMCT negotiations to the United Nations General Assembly. The UNGA, as a rule, operates by majority vote, although there have been exceptions, such as with the Arms Trade Treaty. Again, it is doubtful that the key states would participate in such a process, particularly if it does not operate by consensus. Simply put, negotiations will have to be consensus-based to get key states involved, similar to the process in the consensus-based CD. It is hard to see how a non-consensus-based strategy outside of the CD would be more effective in getting meaningful negotiations underway than striving to break the impasse at the CD.

With the goal of approaching this issue with the involvement of all key players, at last June's Paris Conference, the P5 committed to renewed efforts with other relevant parties to promote FMCT negotiations in the CD. The P5 continued their discussion in Geneva in August and met again in October in New York on the margins of the United Nations First Committee. This multilateral effort is already producing positive effects.

We were pleased that India, a key FMCT stakeholder, joined the P5 at the October meeting. The P5 is continuing to discuss this issue with Pakistan and Israel individually. We hope we will be able to also include additional countries as these consultations continue to go forward.

It seems that for now, our best hope is in the efforts of the P5 Plus consultative process. It is true that this process will need time to develop further and that resolving the issues that have created gridlock in the CD will be difficult. Still, we believe this course of action has the best potential to move the CD to action on the FMCT in 2012.

Amending the Consensus Rule?

There is some talk of amending the consensus rule at the CD, in order to break the current logjam. The Weapons of Mass Destruction Commission made this argument in their 2006 Final Report.

The United States does not share the view that the impasse in the CD is the result of its procedural rules. On the contrary, the consensus rule has served CD members well by providing assurance that individual member states' national security concerns can be met. This is a point that the United States continues to make to Pakistan.

There may be a case for some modifications to how decisions are taken on small procedural items at the CD - such as agreement on meeting schedules and similar, administrative issues - but those issues are not at the heart of the impasse. The road will not be clear until all members of the CD are convinced that commencing negotiations is in their national interest, or at least, not harmful to those interests. The United States is working hard to make the case to Pakistan – and all countries with reservations about the FMCT – that the commencement of negotiations is not something to fear.

Scope

Once FMCT negotiations have begun, CD members will face many complex and contentious issues, perhaps none so contentious as the issue of scope. We are well aware that CD members are divided on this issue. Indeed, it has always been so. Ambassador Shannon's Report to the CD, from which the Shannon Mandate is derived, highlighted these disagreements. His Report of his consultations made it abundantly clear that members could not agree on this key issue, nor on many others. What members did agree on is embodied in a key line in that Report following a listing of those contentious issues. That crucial line said: "...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."

The U.S. position is clear: FMCT obligations, including verification obligations, should cover only new production of fissile material. The United States has taken a step-by-step approach to reducing our nuclear arsenal in negotiations with the Soviet Union and now Russia. A step-by-step approach would serve us well with an FMCT. One essential step in the process should be codifying a legal ban on the production of fissile material for use in nuclear weapons.

We are fully aware that many CD members have a different view and this issue will be the subject of vigorous debate. That is what negotiations are for, and the United States looks forward to that debate. What is not helpful is an effort to "pre-negotiate" the outcome of negotiations by an explicit reference to existing stocks in a negotiating mandate. We would not be alone in seeing this as a thinly-veiled effort to prevent negotiations from getting underway.

Verification

Another potential challenge in the negotiating process will be the creation of a verification regime. The United States supports an effectively verifiable FMCT and believes that sufficient measures can be taken to ensure that a militarily significant diversion of newly-produced fissile material can be detected in a timely manner.

The IAEA already has the requisite tools and experience to monitor declared facilities. Safeguards on enrichment and reprocessing plants have been well developed, and improvements to these techniques continue to be made. While FMCT verification will have different goals than those of traditional IAEA safeguards, many of these proven techniques will be of direct relevance.

Procedures will, of course, need to be developed for non-routine inspections to detect undeclared production facilities in states with a long history of fissile material production outside of Safeguards. Drawing on established regimes, such inspections should include managed access or other procedures (e.g., confidence-building measures) to balance the inspectorate's right of access against the need to protect information that is sensitive for proliferation, proprietary, or other reasons. This will be a challenge as it is in all verification efforts, but it is a challenge we believe can be met.

Conclusion

We will continue to make it clear that all nations will have an equal opportunity to defend their interests in the CD. No country need fear the outcome of FMCT negotiations. More importantly, no country should fear the mere beginning of negotiations. And no country should feel it necessary to abuse the consensus principle and frustrate everyone else's desire to begin negotiations on serious disarmament efforts.

We believe that efforts by the P5 and others to get the FMCT back on track in the CD will yield good results. The sooner, the better, since the longer the CD remains paralyzed, the louder and more persistent the calls to abandon it will become.

We are under no illusions that negotiating an FMCT will be easy, given the difficulties of even starting the process. But a verifiable ban on the production of fissile material is in the interest of every man, woman and child on this planet. That is why it is worth the effort.

Thank you for your attention and I look forward to your questions.