



# General Assembly

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## High-level fissile material cut-off treaty expert preparatory group First session

Geneva, 31 July-11 August 2017

### Chair's Summary Informal Consultative Meeting pursuant to United Nations General Assembly Resolution A/RES/71/259 (New York, March 2-3, 2017)

#### Letter of transmittal

Distinguished delegates,

I have the honour to convey, in my capacity as Chair of the high-level fissile material cut-off treaty (FMCT) expert preparatory group, my summary of the recent informal consultative meeting which took place in New York on March 2-3, 2017. While it is of course not practical to try to repeat in a detailed way each and every point conveyed during the meeting, it is my sincere hope that all participants will recognize their positions in this summary.

This document will be conveyed to the high-level fissile material cut-off treaty (FMCT) expert preparatory group in anticipation of its first meeting from July 31-August 11, 2017 in Geneva.

I thank the more than hundred delegations that participated in the two-day session, and especially the large number which prepared in-depth interventions, both during the time allotted to general statements and the thematic debate. It was especially striking to me the level of reflection that had been afforded to these issues – many of which are highly technical – by such a diverse cross-section of States, including many who had not participated in the previous Group of Governmental Experts (GGE) established pursuant to resolution 67/53. I view this as further evidence of the United Nations General Assembly's long-standing commitment to the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear devices.

I would be remiss if I did not extend heartfelt appreciation to Mr. Olli Heinonen and Mr. Yang Xiaodong for their expert presentations during the meeting, and to my colleague

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Ms. Elissa Golberg, for her overview of the work of the GGE from her perspective as former GGE Chair. These presentations have been posted, on the website of the United Nations in Geneva<sup>1</sup>.

I look forward to hosting the next Informal Consultative Meeting in 2018, where I will report on the work of the Preparatory Group's first formal working session, which is scheduled to take place later this summer.

*(Signed)* Heidi Hulan  
Chair of the High-level fissile material cut-off  
treaty expert preparatory group

## I. Summary

1. Resolution A/RES/71/259 requests the Chair of the high-level FMCT expert preparatory group (Preparatory Group) to organize, in New York, two two-day informal consultative meetings, open-ended so as all Member States can engage in interactive discussions and share their views, which the Chair shall convey to the preparatory group for consideration. On March 2-3, 2017, the Chair of the Preparatory Group organized the first of these two meetings, mandated to 'consider the report of the Group of Governmental Experts (GGE) as contained in A/70/81'.

## II. General

2. The following constitutes the Chair's summary of the main views expressed at this informal consultative meeting:

(a) Most participants reaffirmed the priority they attached to this treaty although a contrarian view was offered by a few that progress on this treaty was an insufficient step toward disarmament.

(b) While many delegations expressed regret that the Conference on Disarmament (CD) has been unable to commence negotiations on an FMCT, nevertheless, the CD was frequently cited as remaining the most appropriate venue for treaty negotiations.

(c) The GGE report was generally viewed as a valuable reference for an FMCT, though not everyone accepted its conclusions.

(d) Many participants underscored that the divergence of views that still exists on various treaty aspects should not be misconstrued as an obstacle to negotiations. Others warned against embarking on negotiations when outstanding issues, including those impacting the national security interests of some States, have not been resolved.

(e) The Shannon Mandate (CD/1299) was largely, though not unanimously, reaffirmed as the appropriate basis for the negotiation of an FMCT in the CD. Those in disagreement argued that CD/1299 was outdated and urged the negotiation of a new mandate as a means to stimulate progress on this treaty.

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<sup>1</sup> <http://www.unog.ch/disarmament/>

(f) Given the obstacles to starting treaty negotiations, many delegations urged States which had not yet implemented moratoria on their production of fissile material for nuclear weapons, to do so.

(g) A large number of States expressed the view that the Preparatory Group process is complementary, and not competing, with ongoing negotiations on a treaty banning nuclear weapons. For these States, the two initiatives should be seen as mutually reinforcing processes. The existence of a contradiction between the two processes was raised by one delegation.

(h) The strong linkages between this treaty and the Nuclear Non-proliferation Treaty (NPT) were frequently raised, including in relation to the 2000 NPT Review Conference's 13 practical steps and to the 2010 Review Conference's 64-point Action Plan.

(i) A view was expressed that an overarching objective of this treaty should be specifically to remedy perceived inequities in the NPT regime.

(j) Many delegations regularly raised the potential for an effective, verifiable treaty to contribute practically to both nuclear disarmament and non-proliferation, although some argued that this binary goal would only be achieved if the past production of fissile material was included in the treaty's scope.

(k) Many States expressed appreciation for the opportunity to participate in open-ended discussions as part of this FMCT preparatory group process. Concerns about the creation of selective groups to examine non-proliferation and disarmament issues, such as GGEs and preparatory groups, were however also voiced.

### **III. Treaty Aspects (scope, definitions, verification, legal and institutional arrangements)**

3. The following constitutes the Chair's summary of the main views expressed on issues pertaining to Treaty Aspects:

(a) A wide variety of detailed views were also expressed on specific aspects of a future treaty – that is to say its scope, definitions, verification and legal and institutional issues.

(b) Many delegations addressed the polemical issue of the treaty's scope, and in particular whether or not the past production of fissile material should be included. As was the case in the GGE, views on this matter fell along a spectrum. For some, a treaty excluding past production would be insufficient as it would only freeze the status quo. For others, a ban on future production should be considered a starting point, upon which the potential for a broader scope should be explored during negotiations. For yet others, in order to succeed in making progress on the treaty we need to focus on achievable goals such as a ban on future production only.

(c) There was a resounding call for this treaty to avoid inhibiting the rights of States to the peaceful use of nuclear energy.

(d) Caution against framing the question of a treaty's scope in such a way that it confers unintended status under existing regimes and United Nations Security Council resolutions was also urged.

(e) On the definition of fissile material, the views expressed by participants fell within the range outlined in the GGE report.

(f) There was agreement on the need for a clear and practical definition, and that enriched uranium and separated plutonium would be at its heart.

(g) Some delegations highlighted that definitions should not be the sole factor to consider in determining what should be verified, and highlighted the need to factor in other considerations such as risk-based assessment of material through various ‘choke points’ in the fuel cycle.

(h) Views diverged on whether or not treaty definitions should include americium and neptunium.

(i) Some States expressed a desire for the treaty to include a mechanism by which treaty definitions could be updated based on technical and scientific developments.

(j) The need for an FMCT to have an effective and robust verification regime was raised by many, including that such a regime should provide timely detection of diversion or non-compliance.

(k) Some delegations outlined that, in order to be credible, the verification regime must include important transparency measures and make it possible to detect clandestine activities that could violate the object and purpose of the treaty.

(l) That the verification regime also be non-discriminatory, and protect against frivolous or abusive non-compliance claims, was also frequently cited.

(m) Views were divided on the question of whether cost effectiveness was an appropriate criterion to consider in the establishment of the verification regime.

(n) Designing verification activities to ensure that sensitive information (i.e. involving national security interests and industrial, technological and trade secrets) is safeguarded was also cited as an important consideration.

(o) The potential significant technical challenges of verifying the past production of fissile material under a treaty were raised in detail. Others expressed skepticism that such challenges existed.

(p) Many States expressed the view that, for the majority of States parties, no new obligations would be created for States already having a Comprehensive Safeguards Agreement and an Additional Protocol in place. The fact that this situation made a treaty a cost-free exercise for the majority of States was raised.

(q) Many delegations referred to the IAEA as the appropriate entity to verify a future treaty. Others believed however that the verification body should be independent of existing regimes (though for some, not excluding access to IAEA resources).

(r) The potential for synergies between the Preparatory Group process and the 2018 GGE on Nuclear Disarmament Verification was mentioned.

(s) Most delegations expressing views on this issue believed that a treaty should have an indefinite duration, in order to preserve the irreversibility of adopted measures within its framework, and include a robust withdrawal clause.

(t) For many participants, the treaty should strive to avoid too stringent an entry-into-force provision to avoid problems that have befallen other treaties.

(u) Overall, the significant majority of positions expressed by the General Assembly at this meeting largely mirrored the range of findings in the GGE report.

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