
PROPOSED FISSILE MATERIAL (CUT-OFF) TREATY (FM(C)T)

Status: Currently being discussed in the [Conference on Disarmament](#) (CD). Since negotiations have not yet begun, it is unclear if scope of the treaty will include pre-existing stocks of fissile material. States in favor of including stocks tend to call for a Fissile Material Treaty (FMT) while States favoring a ban on production often refer to a Fissile Material Cut-Off Treaty (FMCT). The designation FM(C)T, used by the International Panel on Fissile Materials (IPFM), makes this disagreement explicit. Several draft treaties have been proposed including one by Dr. Thomas Shea, a former IAEA safeguards officer (2003), and one by Greenpeace International (2004). The United States submitted a draft treaty to the CD in 2006, and the IPFM released its own draft treaty in 2009.

Background: In 1946, the United States introduced the Baruch Plan to the UN Atomic Energy Commission. This Plan proposed the creation of an International Atomic Development Authority that would have “managerial control or ownership of all atomic energy activities potentially dangerous to world security.” Little resulted from the Baruch Plan because of Cold War suspicions. When President Eisenhower proposed the creation of the International Atomic Energy Agency in his 1953 “Atoms for Peace” speech, gone was the hope that an international body would control all fissile materials.

Throughout the 1960s, a ban on the production of fissile materials for military purposes was included in discussions covering a larger group of nonproliferation and arms control measures. In June 1964, the United States submitted a working paper to the Eighteen Nation Committee on Disarmament that discussed “the inspection of nuclear powers under a cutoff of fissionable material for use in weapons.”

In 1978, the Final Document adopted by the UN General Assembly after its first Special Session on Disarmament contained a program of action on disarmament which noted that nuclear disarmament would require “urgent negotiations of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for: ... cessation of ... the production of fissionable material for weapons purposes.”

Finally, in the last months of 1993, concrete steps were taken in the pursuit of an FM(C)T. In September, President Bill Clinton delivered a speech to the United Nations General Assembly (UNGA) calling for a multilateral convention banning the production of fissile materials for nuclear explosives declaring, “We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism in all nations. We will press for international agreement that would ban production of these materials forever.” On 16 December, the UNGA adopted by consensus Resolution 48/75L “Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices.” This resolution recommended the negotiation of a “non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices,” thereafter referred to informally as the FM(C)T. The resolution also called on the IAEA for support regarding the verification arrangements of the treaty.

On 25 January 1994, Ambassador Gerald Shannon of Canada was appointed by the Conference on Disarmament to seek the views of all Member States on the most appropriate arrangement to negotiate an FM(C)T. In March 1995, the “Shannon Mandate” ([CD/1299](#)) established an Ad Hoc Committee on a “ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.” Charged with negotiating an FM(C)T, the Committee never got off the ground. However, the Shannon Mandate has since been used as a basis for negotiations. The Mandate addresses the disagreement regarding the scope of the proposed treaty as to whether, in addition to future production, past production of fissile materials should be included:

“During the course of my consultations, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the Convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the man-

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date would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile material (past or future) but also to other issues, such as the management of such material.

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.”

In May during the 1995 NPT RevCon, States Parties agreed to pursue the “immediate commencement and early conclusion” of negotiations on a convention based on the Shannon Mandate.

In 1998, the Conference on Disarmament appointed an Ad Hoc Committee on an FM(C)T, but by 1999, the CD had failed to adopt a program of work, and the Committee was not reconvened.

At the following NPT RevCon held in 2000, the negotiation of an FM(C)T was agreed upon as the third step of the [13 Practical Steps](#) toward disarmament. In Step 3, States Parties agreed on “the necessity of negotiation in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.” The States Parties agreed to begin negotiations with the goal of completing an FM(C)T within five years. However, for various reasons (see Developments section below), the CD has not yet formally launched negotiations on such a treaty.

Obligations: There are two primary issues that divide the different drafts for an FM(C)T: verification and pre-existing stocks. With regard to the issue of pre-existing stocks, under the 2009 International Panel on Fissile Materials’ (IPFM) draft treaty, States Parties would be required to declare to the IAEA all fissile materials in its civilian sector, excess for all military purposes, and for use in military reactors. Under Article I, State Parties would agree not to produce, acquire or encourage the production of fissile material for nuclear weapons or other nuclear explosive devices. Each State Party would also agree to disable, decommission and, when feasible, dismantle its fissile material production facilities. Article I also calls on States to declare and submit to IAEA monitoring fissile materials in excess of their military requirements and future excess materials resulting from future nuclear disarmament measures. Article V of the draft treaty would establish an FM(C)T Organization

to implement the treaty objectives, ensure implementation with the IAEA, and provide a forum for the State Parties.

While a “ban on the production of fissile material for nuclear weapons or other nuclear explosive devices” implies a cut-off, a number of states often call for a fissile material treaty (FMT) that would limit existing stockpiles of fissile material in addition to future production. The Shannon Mandate specifically does not preclude these states from raising this issue in negotiations. In this manner an FMT would promote the principles of both nonproliferation and disarmament. Pakistan, in particular, has advocated for the negotiation of an FMT due to its concern regarding India’s large stockpiles of weapons-usable nuclear material.

Compliance: With regard to compliance, the verification issue is what separates the various drafts of an FM(C)T. In the 2009 draft released by IPFM, the treaty requires verification. The treaty itself does not state the verification requirements, but calls upon the IAEA to implement any needed verification arrangements. In contrast, the 2006 draft tabled by the United States contained no verification procedures, as the Bush Administration believed such a treaty could not be effectively verified.

Under the NPT, non-nuclear weapon states (NNWS) have already committed not to produce fissile material for weapons and are under verification requirements by the IAEA. Therefore the obligations of an FM(C)T would primarily impose limitations on the five declared nuclear weapon states under the NPT (China, France, Russia, the United States, and the United Kingdom) as well as the four countries currently outside of the NPT (India, Israel, North Korea and Pakistan). Unless all or most of these states participated, a fissile material cut-off would be of little value. The possibility of extending verification procedures to India, Israel, North Korea and Pakistan is viewed by many as crucial, as it would legally bring them into the international nonproliferation regime.

Developments:

2011: The CD meetings opened on 25 January with an agreement on an agenda but were unable to adopt a program of work due to divisions over the inclusion of beginning negotiations of an FM(C)T. In place of a formal program of work, the CD President Ambassador Grinius of Canada proposed a series of thematic discussions. On 3 February, the CD met to discuss a fissile material cut-off treaty. Topics included definitions of “fissile materials” and “production,” verification, and stockpile issues. Pakistan reasserted its opposition to an FMCT based on the Shannon man-

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date, emphasizing the need to address asymmetries in nuclear stockpiles in addition to halting production.

The representatives from Australia and Japan announced a series of side events that would discuss definitions for an FM(C)T, though these would be simply informal discussions driven by national initiative and not connected with the work schedule of the CD. The results of these discussions were presented on 17 February by Australian Ambassador Woolcott, who [observed](#) that though no definitive answers were reached, the sessions “allowed us to delve into the issues in greater depth” and demonstrated a strong interest in an FM(C)T among CD members.

On 28 February and 1 March the CD held a series of high-level meetings where an FM(C)T was discussed extensively. Most expressed an interest in starting negotiations on an FM(C)T, but differences emerged in how it would be accomplished. US Secretary of State Hillary Clinton indicated that should the CD continue to be blocked, the U.S. would pursue other options. Russian Foreign Minister Sergei Lavrov expressed concern that parallel disarmament initiatives would degrade the multilateral disarmament system.

On 3 March discussion of four different definitions of fissile material was held in the CD.

On April 30, the ten member states of the Non-proliferation and Disarmament Initiative (NPDI) – Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey, and the United Arab Emirates – met in Berlin and issued a statement containing four concrete proposals for implementing the 2010 NPT RevCon Action Plan. The first proposal called for the start of negotiations on an FMCT and expressed a “continued preference” for conducting these negotiations within the CD. However, the proposal also stated that if substantive steps towards negotiations were not taken in 2011, the NPDI would request that the UN General Assembly begin to consider ways to proceed on negotiations outside of the CD.

On May 30-June 1, Japan and Australia hosted a third round of side events through the CD to discuss issues related to an FMCT. Ambassador Suda of Japan reported on this round of events at the CD plenary meeting on June 16, noting that like the second round of side events, these meetings were focused on verification measures.

On June 1, Ambassador Manfredi of Italy presented a report on two informal meetings held in May regarding the potential structure and definitions of a future FMCT. Manfredi reported that discussions also cov-

ered an entry-into-force provision, verification and stockpiles.

2010: At the beginning of the 2010 CD meetings on 2 March, the Norwegian deputy permanent representative Ms. Hilde Skorpen spoke about the entry into force of the Convention on Cluster Munitions, citing it as an example for the fissile material treaty. She stated that the formation of the cluster munitions convention outside the CD provided “grounds for inspiration” for the negotiations on an FMCT. In response, Ambassador Zamir Akram of Pakistan [outlined](#) why his country continued to oppose the negotiation of a fissile material treaty. No program of work was adopted by the CD in the first two parts of its 2010 session.

During the 2010 [NPT](#) Review Conference many States called on the CD to adopt a program of work that included negotiations on a fissile material treaty. For the second time, the [Norwegian delegation](#) called for FMCT negotiations to occur in a different venue if the CD remained deadlocked. However, a proposal to convene a conference outside the CD to address the fissile material cut-off issue did not receive a consensus support at the RevCon.

The consensus action plan adopted by the 2010 NPT Review Conference made direct reference to a fissile material treaty, stating: “All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein.” UN Secretary-General was also invited to convene a “high-level meeting in support of the Conference on Disarmament.” This meeting will take place on 24 September in New York, during the high-level segment of the UN General Assembly.

Throughout the third part of CD meetings, delegates debated the negotiation of an FM(C)T outside of the CD, particularly on 24 August. The Secretary-General of the CD Sergei Ordzhonikidze warned that delegates would probably have at most one more year to start negotiations of an FM(C)T before parallel initiatives were organized. Ambassador Akram of Pakistan observed that there are clear options for negotiating an FM(C)T outside of the CD that would not be opposed by Pakistan, but that it would not participate in such negotiations.

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The CD closed in 2010 without substantive progress on the negotiation of an FM(C)T. The High Level Meeting of the CD held in New York on 24 September saw states emphasize the need for a review of disarmament machinery as well as an emphasis on making the negotiation of an FM(C)T a priority for the next CD meetings.

On 15 October, the UN General Assembly again adopted a resolution entitled “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices” ([A/RES/65/65](#)), which urged the CD to start negotiations on a treaty banning the production of fissile material for use in nuclear weapons. The resolution was adopted with a vote in 179 in favor, 1 against (Pakistan), and 2 abstentions (Democratic People’s Republic of Korea and Syria).

In December, the Fissile Material Control Initiative (FMCI) published a report on global fissile materials, presenting the official declarations of fissile material production and stocks around the world. This report provides important insight into the level of fissile material currently possessed by states as well as an indication of disarmament measure being taken by states.

2009: On 5 April, President Barack Obama delivered a speech in Prague, Czech Republic. In his oration, President Obama declared the need for a treaty that “verifiably ends the production of fissile materials intended for use in state nuclear weapons.” This statement reversed the Bush administration’s position first stated in 2004 that an FM(C)T could not be effectively verified.

During the 2009 session of the NPT Preparatory Committee in May, Norway first [proposed](#) that the FM(C)T should be negotiated in “another avenue” if the CD remains paralyzed.

On 29 May, for the first time in a decade, the CD adopted a program of work. In the program of work, the CD established a working group entitled “Cessation of the nuclear arms race and nuclear disarmament” which was charged with negotiating a treaty on the basis of the 1995 Shannon Mandate. However, Pakistan’s subsequent objections rendered the CD unable to implement its program of work for 2009, and the working group did not convene.

In September, the IPFM released a [draft treaty](#) which includes verification provisions. On 24 September, the UNSC adopted [Resolution 1887](#), which “calls upon the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for

nuclear weapons or other nuclear explosive devices as soon as possible.”

On 29 October, for the first time since 2004, the First Committee of the UN General Assembly adopted a resolution on a treaty specifically banning the production of materials for use in nuclear weapons. The resolution ([A/C.1/64/L.1/Rev.1](#)) was adopted without a vote and was entitled “Treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices.”

2008: During the 2008 NPT Preparatory Committee meetings, States including [Norway](#) and [Germany](#) proposed the creation of a Fissile Material Control Initiative (FMCI). FMCI would be a voluntary, multi-lateral arrangement open to any country that possessed fissile material (whether safeguarded or not) and was willing to sign onto a set of agreed principles. The overall goals of FMCI would be to increase security, transparency, and control over fissile material stocks worldwide; to prevent their theft or diversion to non-state actors or additional states; and to move fissile materials verifiably and irreversibly out of nuclear weapons and into forms unusable for nuclear weapons. FMCI would also help to establish the confidence needed between States in order to negotiate an FMCT. The creation of the FMCI was first [proposed](#) by Robert Einhorn of the Center for Strategic and International Studies during the International Conference on Nuclear Disarmament, held on 26 February 2008 in Oslo, Norway.

The six presidents of the CD tabled a draft decision (CD/1840) that “decides, without prejudice to future work and negotiations on its agenda items,” and appoints four Ambassadors to preside over negotiations on the four core topics, including a non-discriminatory and multilateral treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The content of the draft decision is almost identical to the documents L.1, CRP.5, and CRP.6 in the proposed program of work from 2007. The draft decision uses the A5 Proposal from 2002 as its basis. The CD was still unable to adopt a program of work, and little progress was made on any FMCT negotiations.

2007: The CD nearly reached consensus on a program of work, which called for negotiations on an FM(C)T through documents L.1, CRP.5 and CRP.6. Only China, Iran and Pakistan withheld their support for the comprehensive package. The Canadian delegation attempted to gain support for a “strictly procedural draft decision that would have added the issue of the prohibition of the production of fissile material to next year’s First Committee agenda.” No consen-

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sus was reached however; the draft was withdrawn and no committee was established for the negotiation of an FM(C)T.

2006: In January, the International Panel on Fissile Materials (IPFM) was established. IPFM is a group comprised of arms-control and nonproliferation experts from both nuclear weapon and non-nuclear weapon states.

On 18 May, the United States tabled a [draft](#) FMCT. This draft excluded any verification and compliance requirements due to the U.S. delegation's position that the "the so-called effective verification of an FMCT cannot be achieved." The majority of the other Member States of the CD found the lack of a verification mechanism and the omission of the issue regarding existing stocks unsatisfactory. The CD continued to be unable to agree on a program of work or begin negotiations on an FM(C)T.

2005: The President of the CD circulated a "food for thought" non-paper that was based primarily on the A5 Proposal promoting the establishment of four ad hoc committees, including one for negotiations regarding a fissile materials treaty. No consensus was reached.

In the meetings of the UNGA First Committee, the governments of Brazil, Canada, Kenya, Mexico, New Zealand and Sweden introduced a non-paper outlining elements of a draft resolution to establish ad hoc committees on the four priority issues declared in the A5 Proposal. This initiative was blocked by the United States.

2004: In April, Greenpeace drafted a [proposed treaty](#) "Banning the Production of Fissile Materials for Nuclear Weapons and Other Nuclear Explosive Devices" which it delivered to the NPT PrepCom.

In July, the high hopes for reaching agreement on a program of work in the CD were destroyed when Ambassador Jackie Sanders of the United States declared that although the United States continued to support negotiations on an FMCT, it did not believe such a treaty would be verifiable. The United States also succeeded in blocking consensus of Resolution L.34, a Canadian sponsored resolution that in previous years had been adopted without a vote. At this time, Pakistan voted in favor of the 2004 UNGA resolution (L.34) urging the CD to commence negotiations on a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices."

2003: The A5 Proposal continued to garner support, including from China. Japan, in addition to holding informal discussions both at home and in Geneva, tabled a [working paper](#) on a Treaty to Ban the Production of Fissile Material for Nuclear Weapons and other Nuclear Explosive Devices. In August, China and Russia broke from their previous positions that work on an FMCT must be pursued concurrently with work on a treaty for the Prevention of an Arms Race in Outer Space (PAROS). China had previously held to their position on a linkage between an FMCT and PAROS due to their concern over implications of U.S. missile defense plans. Despite this breakthrough, the CD again closed without a program of work and no committees were established due to disagreements between the Member States on the scope and terms of an FMCT.

In November, Dr. Thomas Shea, a former IAEA safeguards officer released a [draft treaty](#) banning the production of fissile materials for nuclear weapons or other explosive devices.

2002: During the CD Conference in 2002, the Ambassadors of Algeria, Belgium, Chile, Colombia, and Sweden established what later became known as the A5 Proposal. This proposal suggested the establishment of four ad hoc committees including one to negotiate a fissile material (cut-off) treaty. Despite widespread support, the A5 Proposal was not adopted. However, it is frequently referenced throughout the CD's discussions on a program of work. South Africa tabled a substantive working paper ([CD/1671](#)) which discussed the issues of verification and scope, including the possibility of controlling tritium.