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FINAL RECORD OF THE ONE THOUSAND AND SIXTEENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 May 2006, at 10.05 a.m.

President: Mr. Doru-Romulus COSTEA (Romania)

The PRESIDENT: I declare open the 1016th plenary meeting of the Conference on Disarmament.

As we begin the second part of the 2006 session of the Conference on Disarmament, I would like to bid a belated farewell to those colleagues who have left the Conference since we adjourned in March, namely, Ambassador Mike Smith of Australia and Ambassador In-kook Park of the Republic of Korea. On behalf of the Conference, I wish to request their delegations to convey to them our deep appreciation for their many valuable contributions to our endeavours during their tenure, as well as our sincere wishes for success and satisfaction in their new assignments.

Allow me also to extend a cordial welcome to new colleagues who have recently assumed their responsibilities as representatives of their Governments to the Conference, namely, Ambassador Caroline Millar of Australia, Ambassador Dong-hee Chang of the Republic of Korea and Ambassador John Stewart Duncan of the United Kingdom of Great Britain and Northern Ireland.

I would also like to welcome among us the newly appointed Director of the Geneva Branch of the Department for Disarmament Affairs and Deputy Secretary-General of the Conference on Disarmament, Ambassador Tim Caughley of New Zealand, who assumed his duties on 10 April 2006. I take this opportunity to assure them of our cooperation and support in their assignments.

I have the following speakers on my list for today's plenary. Please bear with me. It is a long list: Pakistan, the United Kingdom, France, Austria, on behalf of the EU, Switzerland, Chile, Spain, Norway, Canada, Germany, Poland, Japan, the Russian Federation, Sweden, Turkey, the Netherlands, the Republic of Korea, Argentina, Italy, India, Algeria, Belgium and Australia.

I would like to begin our debate, and taking into account this long list, we will be quite crisp and swift, hopefully. Let me open the floor by giving it to Ambassador Masood Khan of Pakistan.

Mr. KHAN (Pakistan): Mr. President, today, as we begin the fissile material treaty discussions week, we thank you and the other CD Presidents for your collective wisdom and tenacity in organizing these debates in concentrated clusters.

An FMT is at the heart of the debate in the Conference on Disarmament and indeed in the entire security and disarmament machinery. Its centrality cannot be denied, but it is not a stand-alone issue, because it is inseparably linked to nuclear disarmament, non-proliferation, the prevention of arms race in outer space and negative security assurances. These are not extraneous negotiating links but normative, legal and substantive correlations established freely, voluntarily and collectively. The absence of an agreed programme of work on these issues has stalled the work in the CD for the last eight years.

(Mr. Khan, Pakistan)

In the recent past, we have heard exhortations from all sides to commence negotiations immediately without specifying how we can do it. To respond to that question we will have to address two other questions, why and what: why the CD has not been able to start work on an FMT, and what it is that we want to achieve anyway. Let us deal with the why first.

We have not been able to begin negotiations on an FMT because of the growing and deliberate scuttling of commitment to agreed principles, attempts to change the agreed parameters for negotiations, and efforts to dilute or control the content of negotiations before they start. Successive concessions have not been fully utilized. The desired target and goalposts have been moving constantly, thus creating both a fluid and a static situation - fluid in terms of defining the goal; static in terms of activity in the CD.

The impasse in the CD has been deepening against the backdrop of the international community's inability to take decisions in the areas of security and disarmament due to acquiescence in the norm of exceptionalism and the erosion of multilateralism. Francis Fukuyama has come up with a term for this phenomenon - "multi-multilateralism", which means: the United Nations and multilateralism, yes; but also look towards other bilateral and plurilateral arrangements.

This then is the crux of the matter: the crisis of political will - political will hamstrung by the fears of some key States that their vital interests would be at risk if negotiations on all four issues started and if they were held in a traditional multilateral setting. It is therefore a crisis beyond the FMT - a crisis of multilateralism.

Let me briefly talk about the principles underlying the discourse on the FMT, which did not grow out of a vacuum. The first special session of the United Nations General Assembly on disarmament (SSOD-1) called for a ban on fissile material as part of the twin objectives of nuclear disarmament and non-proliferation. The 1993 unanimous United Nations General Assembly resolution 48/75 L, the 1995 and the 2000 NPT Review Conferences, and the vast majority of the United Nations Members have all upheld this principle. The objective was to draft an FMT that would strengthen the security of all States, irrespective of their size and status, and be an instrument of both nuclear disarmament and non-proliferation.

The Shannon report of 1995 reflected consensus on two parameters for an FMT: (a) an agreement to begin negotiations on a universal, non-discriminatory, multilateral and internationally and effectively verifiable treaty; and (b) the open, non-limiting scope of negotiations captured in the affirmation that the mandate for the establishment of an ad hoc committee does not preclude delegations from raising for consideration the issues of past and future production, as well as the management of the fissile material. This agreed basis for negotiations cannot be called a precondition. There is a built-in latitude in the Shannon mandate to raise any issue - cut-off, existing stocks, management, verifiability.

The Shannon report, the agreement of Pakistan in 1998 to support the commencement of negotiations, the acceptance of the A5 proposal by key CD member States - all constituted concessions to help the CD start its work. There have been setbacks too. The vital element of verification for a fissile material treaty is being deleted as a result of a change in policy or being

(Mr. Khan, Pakistan)

omitted from statements as a measure of expediency to start negotiations. That begs the question of whether any of these “adjustments” will jump-start negotiations. Or is this just a gratuitous waste of good will?

Now let us turn to linkages. These linkages are intrinsic, not extrinsic, as they stem from the collectively agreed bargains. Two assumptions must be addressed in this context. Nuclear disarmament, PAROS and NSAs are post-cold-war, twenty-first century, contemporary issues. They are coeval with an FMT. Similarly, it is not correct to say that the time is ripe for an FMT, but not for other issues. Enough legal, technical and political bases exist for movement on all the four issues. These issues will qualify on grounds of contemporaneity and ripeness. Of course, when negotiations start, through the adoption of a balanced and comprehensive programme of work based on the A5 proposal, one can imagine a varying progression and a different trajectory for each issue.

Now, a few words about “what”.

A few States would want to restrict the ban to future production. A majority of the CD membership and the NPT member States, however, maintain that the proposed FMT should also deal with the issue of past production of fissile material and, through their progressive and balanced reduction, promote the goal of nuclear disarmament.

The treaty must therefore address the question of production - past, present and future - in its entirety at both the regional and the global levels. Let me give the rationale of our position.

One, a few States have huge stockpiles. For them, a halt in their production at some point in future will be virtually cost-free. According to published estimates, all nuclear-weapon States, perhaps with the exception of one, have sufficient stocks of HEU and plutonium to service and modernize their nuclear forces. A cut-off in future production alone will simply finalize and formalize the status quo. For them, the only cost would be to accept the safeguards on their non-operational enrichment and reprocessing facilities.

Two, a mere cut-off will run the risk of both vertical and horizontal proliferation.

Three, existing stockpiles, unless accounted for and monitored, could be used for the development of new and more sophisticated nuclear weapons.

Four, the asymmetry in the stockpiles at the global and the regional levels will be a factor of strategic instability. One can only presume that over time large fissile material stocks will be transformed into nuclear weapons, thus accentuating asymmetries. Inequalities should not be frozen and perpetuated. An FMT which freezes regional asymmetries will, in our view, accelerate, not arrest, nuclear weapons proliferation.

Five, an FMT will have little credibility if existing stocks of military fissile material are not addressed in some form. In addressing the question of existing stocks, the upper limits of fissile materials as well as the principles of proportionality and sufficiency must be taken into account.

(Mr. Khan, Pakistan)

Six, the proposed treaty should not be called a fissile material cut-off treaty (FMCT), implying a halt only in future production, but more appropriately a fissile material treaty (FMT). A treaty that aims at only a cut-off in future production will be a non-proliferation measure, whereas inclusion of past production will be a step towards disarmament.

I am glad that a large number of member States, think tanks, academic institutions and representatives of civil society use the term “fissile material treaty” and the acronym FMT.

Seven, as Secretary-General Kofi Annan said in May 2005, we can only hope to achieve meaningful disarmament “if every State has a clear and reliable picture of the fissile material holdings of every other State, and if every State is confident that this material in other States is secure”.

Owing to the prevalent objective conditions, we cannot envisage or accept a moratorium. There are three reasons for that. First, a moratorium should be discussed within the full context of the treaty. Second, a moratorium will perpetually freeze the asymmetric strategic advantages. Third, unilateral, bilateral or multilateral moratoria outside the ambit of the treaty will remain unverifiable.

Pakistan, therefore, holds the view that a fissile material treaty must provide a schedule for a progressive transfer of existing stockpiles to civilian use and placing these stockpiles under safeguards, so that the unsafeguarded stocks are equalized at the lowest level possible; and that a cut-off in the manufacturing of fissile material must be accompanied by a mandatory programme for the elimination of asymmetries in the possession of fissile material stockpiles by various States. Such transfer of fissile material to safeguards should be made first by States with huge stockpiles, both in the global and the regional context.

An FMT should help establish conditions under which further nuclear disarmament involving all relevant States would be possible. By the same token, negotiations on an FMT would be influenced by salutary regional environments in South Asia and the Middle East. In order to maintain strategic deterrence in South Asia, we shall need to take into account existing fissile materials. An equitable and verifiable FMT could also in part bring non-NPT nuclear States into the non-proliferation regime.

We believe that a verifiable treaty on fissile materials is an essential condition for the effective cessation of a nuclear arms race. A credible verification regime will be necessary to guarantee successful implementation. A mere normative, soft-law treaty would not serve the combined purposes of nuclear disarmament and non-proliferation.

We believe that international treaties on non-proliferation and disarmament cannot be implemented properly unless built-in provisions for verification support them.

A stance rejecting verification sends the issue back to the pre-Shannon phase. The effort to put verification back on the front burner in the General Assembly has foundered.

(Mr. Khan, Pakistan)

A verifiable FMT will be able to: (a) control the illicit spread of nuclear materials; (b) enhance the proportion of weapon-usable material under international safeguards; (c) strengthen nuclear export controls; and (d) reduce the discrimination in the present NPT regime.

One of the stated objectives of an FMT is to deny terrorists access to fissile materials. A verifiable FMT on past and present production will plug such leakage to nuclear terrorists and stop other kinds of illicit diversion of fissile materials.

President George W. Bush said on 11 February 2004 that the Nuclear Suppliers Group (NSG) should refuse to sell enrichment and reprocessing equipment and technology to any State that does not already possess full-scale functioning enrichment and reprocessing plants. Now the NSG is agonizing over the question of how to meet demands for exceptionalism. In this equation, an anodyne, anaemic FMCT should not attempt to make the treaty inherently discriminatory or be used to create a diversion.

For our part, we are determined to avoid an arms race in South Asia to ensure minimum credible deterrence. We are pursuing strategic restraint through continued consultations on security concepts and nuclear doctrines to develop confidence-building measures as well as on risk reduction relating to accidents. That said, Pakistan has its legitimate needs for civilian nuclear power generation. It is, therefore, not politic to take any steps that could undermine the delicate, nascent engagement towards strategic stability in South Asia.

Let me conclude with one observation and one stricture. Negotiations on an FMT will start if there is agreement on a programme of work and concessions are made by those who ought to make them. The stricture is: an FMT sans verification sans stocks will be sans treaty.

The PRESIDENT: I thank the distinguished representative of Pakistan for his statement. I now give the floor to Ambassador John Duncan of the United Kingdom of Great Britain and Northern Ireland.

Mr. DUNCAN (United Kingdom of Great Britain and Northern Ireland): Thank you, Mr. President, for your earlier words of welcome. As this is the first time that I take the floor in the CD, let me begin by saying how delighted and indeed honoured I am to join this forum in Geneva in this historic venue and especially at this particular time.

I have heard about the untiring work that you and your predecessors have carried out this year in an effort to break the impasse of previous years. May I assure you and all the other CD Presidents in 2006, as well as the Friends of the Chair, of my personal support and of my delegation's continuing support for all your efforts? And to my CD colleagues, may I say how much I am looking forward to working alongside you and to sharing views?

Multilateral arms control and disarmament has been at a low ebb following last year's disappointing NPT Review Conference and Millennium Summit outcomes. And there has been a worrying and damaging polarization of attitudes on these issues in the international community. But you and your fellow P6 Presidents have refused to give way to pessimism.

(Mr. Duncan, United Kingdom)

Instead you have recognized, as my Minister of State, Dr. Kim Howells, said in this very room seven weeks ago, “there are matters of the real world that we have to connect with outside this chamber”, and you have determinedly set about reinvigorating the work of the CD through thematic debate.

The United Kingdom welcomes your initiative to return the CD to serious work, as we have also welcomed other initiatives designed to allow us to meet our obligations as CD members. We need to use the CD purposefully if we are to meet key arms control and disarmament challenges. We need an agreed programme of work.

To this end, I have asked three United Kingdom experts to be available to participate in this week’s discussions. It is no secret that the United Kingdom sees the immediate commencement of negotiations without preconditions on an FMCT as a first priority, a view shared by our EU partners.

We recognize others in this chamber hold different views, but thanks to you and the P6, we have a unique opportunity this year to listen and to share concerns and to explore ideas in an effort to find consensus on a way forward. And so one of my experts will give a brief presentation tomorrow, setting out in more detail the reasons why the United Kingdom is convinced that it is in everyone’s interests to begin FMCT negotiations without further delay.

Since 1995, the United Kingdom has done more than talk. We have also taken practical steps to pave the way for an FMCT, including stopping the production of fissile material for nuclear weapons and other nuclear explosive devices, placing our facilities which can produce highly enriched uranium or plutonium under international safeguards and increasing transparency about our remaining stocks of fissile material for defence purposes.

I should like to take this opportunity to reaffirm to colleagues today that the United Kingdom takes both its NPT article VI and article IV commitments to disarmament and to non-proliferation seriously, and we will continue to stand by those commitments. And I think our disarmament record to date is a good one. We have reduced our reliance on nuclear weapons to one system - Trident; reduced the readiness of our nuclear forces to a single Trident submarine on deterrent patrol at any one time. Trident missiles are not targeted at any country. The United Kingdom holds fewer than 200 operationally available warheads, the minimum level necessary for our national security. In all, we have reduced the explosive power of United Kingdom nuclear weapons by 70 per cent since the end of the cold war.

Turning to non-proliferation, whose very cornerstone is the NPT, the United Kingdom will not let last year’s disappointments prevent us from moving forward. We will take every opportunity to encourage all States to adopt IAEA’s Additional Protocol and are actively working with others to formulate appropriate incentives for countries to forgo fuel cycle facilities.

Whilst fully recognizing the right of States who are in compliance with their article IV obligations under the NPT to use and benefit from nuclear technology, it is clear to us that the nuclear fuel cycle presents particularly acute proliferation risks.

(Mr. Duncan, United Kingdom)

The United Kingdom will continue to call for strong and comprehensive export controls to prevent the unrestrained spread of nuclear supplies and technologies. Where illicit transport of such goods is already in progress, we believe that the Proliferation Security Initiative will continue to have an important role to play.

Like everyone else here, the United Kingdom is concerned at the prospect and growing threat of nuclear terrorism, and seeking ways to counter it, we are working actively to ensure the renewal of the mandate of the United Nations Security Council resolution 1540 Committee. We continue to stand ready to meet the obligations in the United Nations resolution and to help others to do so.

The United Kingdom is also pursuing a wide range of non-nuclear issues, both here in Geneva and in New York, aimed at improving and reducing conflict. My CD colleagues here will already have heard my Minister of State, Dr. Howells, speak on one of these, the initiative for a treaty on the trade in conventional arms known as the Arms Trade Treaty.

Let me say once again how pleased I am to be here at the CD. I look forward to future discussions within this chamber. The challenges we must meet are not just British ones, but global ones.

The PRESIDENT: I thank the distinguished representative of the United Kingdom for his statement and for his very kind words addressed to the Chair. Let me also add that we are quite encouraged by his commitment to us, and we assure him of our commitment to work together towards our joint goals.

Before giving the floor to the next speakers on my list, I would like to make an announcement on the occasion of the fulfilment of the conditions for entry into force of Protocol V on explosive remnants of war to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.

Human suffering does not end with the end of hostilities. Years after conflicts have receded, unexploded and abandoned explosive ordnance continue to kill or maim. Collectively known as explosive remnants of war or ERW, these indiscriminate killers continue to cause humanitarian suffering, prevent refugees from returning home, block humanitarian relief and impede post-conflict reconstruction, renewal and development.

The humanitarian dangers presented by ERW have suddenly been gaining prominence around the world. In particular, efforts to reinforce the international laws established by the Convention on Certain Conventional Weapons on aspects of explosive remnants of war led to the adoption in 2003 of a new legally binding instrument, that is, Protocol V on ERW, which aims at eradicating the risks and effects that explosive remnants of war cause to civilian populations and to humanitarian personnel working in post-conflict situations. I am delighted to inform you that as of 12 May 2006, 20 States had expressed their consent to be bound by Protocol V on explosive remnants of war to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and therefore the conditions for the entry into force of this important instrument have now been met.

(The President)

CCW Protocol V will enter into force in six months' time, on 12 November 2006. Let me congratulate the 20 CCW States parties which have so far expressed their consent to be bound by the Protocol, thus making possible its early entry into force. These are, in alphabetical order: Bulgaria, Croatia, Denmark, El Salvador, Finland, Germany, the Holy See, India, Liberia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Nicaragua, Norway, Sierra Leone, Slovakia, Sweden, Switzerland and Ukraine.

I should also like to invite all other CCW States parties, as well as all other States, to consider ratifying this important instrument as soon as possible to ensure the protection of the civilian population and humanitarian personnel from the effects of explosive remnants of war and to address the serious humanitarian impact of these weapons.

I should now like to call on Ambassador François Rivasseau of France, the President designate of the Third Conference of States Parties to the CCW Convention.

Mr. RIVASSEAU (France) (translated from French): Mr. President, this statement will be in two parts. The first will deal with the subject you have just referred to as the Ambassador of Romania, in other words, the ratification of Protocol V on explosive remnants of war by 20 States, which will allow it to come into force in six months. The second part of my statement will deal with the thematic subject that is the main object of our session today: the cut-off.

I take the floor first, Sir, as you have just said - for which I thank you - as President designate of the Third Review Conference of the 1980 Convention on Certain Conventional Weapons. I am also speaking on behalf of the Ambassador of Lithuania, His Excellency Mr. E. Borisovas, who has been designated by the States parties to this Convention to coordinate work on explosive remnants of war.

Protocol V on explosive remnants of war, which was signed in 2003, was awaiting the 20 ratifications necessary for its entry into force. Last December the number of ratifications was 16. On 23 March this year, two other States, El Salvador and Slovakia, joined the group of countries which have ratified Protocol V. Last Friday, 12 May 2006, Switzerland and Liechtenstein also simultaneously deposited their instruments of ratification, thus bringing the number of ratifications to the required 20. In keeping with the provisions of article 5 of the 1980 Convention, the entry into force of Protocol V will take effect six months after the deposit of the last two instruments of ratification, that is, on 12 November 2006, during the Conference which will conduct a five-year review of the Convention, to be held in Geneva from 7 to 17 November next.

The States parties to this Convention had entrusted the bureau with the task of working for the entry into force of this Protocol V. This mandate will have been fulfilled and, thanks to Switzerland and Liechtenstein, the entry into force of Protocol V will formally take place as it will occur during the five-year review Conference in November. I should like to congratulate those States which contributed to this result, and in particular the 4 States which have deposited their instruments of ratification since the beginning of this year and the 16 others which had done so earlier, whose names you mentioned, Mr. President.

(Mr. Rivasseau, France)

On my own behalf, I should also like in particular to congratulate the Coordinator of the Working Group on Explosive Remnants of War, Ambassador Borisovas of Lithuania, and also to thank the Austrian team occupying the presidency of the European Union, whose effective action alerted a number of countries which are signatories to Protocol V to the need to expedite the ratification process. This process is under way in many other States. This success bears witness to the relevance and vitality of the CCW process, which constitutes the forum, perhaps the only forum, in which States have reached agreement by consensus over the last few years on a legally binding instrument in the field of disarmament.

The entry into force of this protocol will now - as of November - bring us to grips with the practical implementation of the Protocol, and this will raise, among other issues, the question of the necessary coordination in the field with the activities undertaken under other existing regimes. So we still have a lot of work before us.

For the second part of my statement I will be speaking purely in my national capacity. I welcome the opportunity we have been given this week under your presidency, Sir, to engage in a more thorough and focused discussion on the question of the treaty for the prohibition of the production of fissile material for the manufacture of nuclear weapons or other nuclear explosive devices (FMCT). In order to maintain greater confidence among all of us, this exchange is taking place in the form that you organized, with your other colleagues who are members of the P6, for which we commend you.

I have already spoken on this subject on 2 March last, but I would like to remind the Conference of my country's general approach in this regard today. As you know, France has been steadfastly committed to the negotiation of such a treaty in the Conference on Disarmament. In his statement on 19 January last, the President of the French Republic reaffirmed the importance France attaches to the FMCT. After announcing a halt to production of plutonium and highly enriched uranium for nuclear weapons, France decided in February 1996 to close and dismantle its production facilities in Pierrelatte and Marcoule. Since then my country has been actively engaged in a dismantling process which is continuing. This is a complex, lengthy and costly task which will continue for a number of years. My country is the only one of the nuclear Powers to have embarked on it. France no longer has any installations for the production of specialized fissile material for nuclear weapons or other explosive nuclear devices. We are thus engaged in a virtuous circle which we hope will have a multiplier effect.

After having been deadlocked for a long time, the negotiation on a "cut-off" now has a chance of being relaunched. In this perspective we are pleased to note the opportunity we have been offered this year, and more particularly this week, to prepare for these negotiations. We hope to see active participation in the upcoming debates by all members of the Conference who wish to ensure progress on the question of nuclear disarmament and non-proliferation. A French expert is coming from Paris today for this purpose.

I should like to start by briefly recalling the framework within which France's activities are undertaken. First of all, as was stressed by our colleague speaking on behalf of the European Union, Ambassador Petritsch, on 30 March last, in his statement on the treaty to ban

(Mr. Rivasseau, France)

the production of fissile material on behalf of the European Union, we are following the common position of the European Union at the May 2005 NPT Review Conference, which, for the time being, binds each of the member countries of the European Union here. Hence it is in this framework that I should like to place my comments.

But in addition, in the practical implementation of our commitments we are guided by the action programme and resolution on which we decided at the time of the indefinite extension of the NPT in 1995. It is not without interest to highlight the major points in connection with our debate today: the conclusion of the Nuclear Test-Ban Treaty, the negotiations on an FMCT, the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, and of general and complete disarmament.

I should now like to take a brief look backwards. When agreement emerged in 1995 on launching the FMCT negotiations, the international community had two objectives in mind. In terms of nuclear disarmament, the aim was to freeze arsenals, to make the moratoria legally binding and to extend them in the context of the report of the Special Coordinator and the mandate contained therein. With respect to non-proliferation, the aim was to prevent the non-NPT member States from acquiring a military nuclear capacity, within the framework of an approach that would be identical for all. A further task, the need for which had been shown by recent experiences, was to extend checks and verification of non-proliferation among the non-nuclear-weapon States.

We are compelled to note that the “cut-off” will only marginally meet these expectations as regards non-proliferation. The establishment of additional protocols, along with the generalized system of safeguards, is now the verification standard. Nuclear tests in South Asia have opened up a new landscape. The verification of non-proliferation is now carried out independently of the “cut-off”. As to the States of South Asia, their situation now forms part of a nuclear disarmament issue. So the “cut-off” today is first and foremost a nuclear disarmament treaty. In relation to the CTBT, the treaty banning the production of fissile material for the manufacture of nuclear weapons or other nuclear explosive devices thus occupies a very special place in the nuclear disarmament process. That is why we supported the relevant resolutions on this question in the United Nations General Assembly First Committee: in 2004, resolution 59/81 presented by Canada, and in 2005 the resolution entitled “Renewed determination towards the total elimination of nuclear weapons” presented by Japan.

My country’s general approach with respect to a future treaty is structured around the following ideas. As we have always said in this forum, the scope of application of this treaty concerns the total prohibition of future production of fissile material for nuclear bombs. It is clear that it is not and has never been the role of the treaty, unless it changes radically in nature, to cover stocks that had been built up prior to the entry into force of the treaty, nor production for peaceful uses or for non-explosive military use. The purpose of the treaty is to freeze the maximum level of nuclear arsenals throughout the world quantitatively, as the CTBT did qualitatively.

(Mr. Rivasseau, France)

There is a strong link between the “cut-off” and the CTBT, and any future negotiations will have to take this fact fully into account. This is the condition for continuing a virtuous cycle and an essential condition for the credibility of the commitments that have been or will be undertaken.

Second point: with respect to verification, we still accept the report of the Special Coordinator and the mandate included therein, the Shannon mandate, which speaks of “verifiability”. We understand this word in its French sense, in other words “capable of being verified”. We also subscribe to the argument that no verification measure can provide a perfect guarantee of compliance with the treaty. We think that there is no reason here to set preconditions for the launching of negotiations. The debate on verification should be resolved during the course of the negotiations themselves.

Other aspects of this treaty should also, we feel, be looked at in depth once the negotiations have started, whether with respect to the definition of fissile material or related activities.

In conclusion, we consider the “cut-off” as the topic on our agenda which is the most ripe and the most suited for the prompt launching of negotiations. The “cut-off” should therefore logically be the next tangible and concrete move forward to which the Conference on Disarmament can contribute in the field of nuclear disarmament. This is our commitment, a commitment which has yet to be met, a commitment for the sake of which France has made greater efforts to date than any other nuclear-weapon State or nuclear-capable State.

The PRESIDENT: I thank the representative of France, Ambassador Rivasseau, for his words and give the floor to the representative of Austria.

Mr. REITERER (Austria): I am taking the floor on behalf of Ambassador Petritsch, who is not able to join us here today due to other urgent commitments.

I have the honour to take the floor on behalf of the European Union and the acceding countries Bulgaria and Romania.

The European Union is pleased to hear your announcement concerning Protocol V to the CCW and the recent ratifications by Switzerland and Liechtenstein. The EU warmly welcomes these ratifications. The number of States having ratified the Protocol, including a number of EU member States, is now sufficient for its entry into force during the CCW Review Conference later this year.

It is our firm belief that Protocol V to the CCW on explosive remnants of war, adopted at the Meeting of States Parties in 2003, will significantly reduce the humanitarian risk to civilian populations. We therefore warmly commend those 20 States that have already ratified this Protocol. At the same time we believe that there is a continued need to universalize Protocol V. Consequently, the EU calls upon all States which have not yet done so to ratify or accede to the CCW and its protocols, including Protocol V, as soon as possible. Indeed, the EU is working to this end both within the European Union and with our partners worldwide.

The PRESIDENT: I thank the representative of Austria, Mr. Reiterer, for his statement on behalf of the EU and acceding countries. I will now give the floor to the distinguished representative of Switzerland, Ambassador Jürg Streuli.

Mr. STREULI (Switzerland) (translated from French): Mr. President, allow me first of all to congratulate you on taking the Chair of our Conference and to assure you of the full cooperation of the Swiss delegation as you carry out your tasks.

My delegation would like to confirm the important development in relation to Protocol V, the Protocol to the CCW Convention on explosive remnants of war. On Tuesday last week, 9 May, our Parliament agreed without any objections to the federal decree on the ratification of Protocol V to the CCW. Last Friday, 12 May 2006, and in keeping with article 4 of the Convention, Switzerland notified the Secretary-General of the United Nations of its consent to be bound by the Protocol on explosive remnants of war. In particular, this notification to the Secretariat of the United Nations in New York was effected jointly with our neighbour Liechtenstein. The two countries thus brought the number of States parties to the Protocol to 20. The Protocol on explosive remnants of war is the fifth and most recent legally binding instrument of international humanitarian law adopted under the Convention on Conventional Weapons. Its entry into force in 2006 and during the Review Conference of the Framework Convention will be an important and positive step for the CCW and for the multilateral disarmament community as a whole.

With respect to fissile material, Switzerland emphasizes the need to respect the “Principles and objectives for nuclear non-proliferation and disarmament” adopted at the 1995 NPT Review and Extension Conference. Under the heading “Nuclear disarmament”, the States parties decided, in the interests of the full realization and effective implementation of article VI of the Treaty, to commence immediately and rapidly conclude negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

Switzerland seeks the establishment of an ad hoc committee within the Conference on Disarmament to start negotiations on an FMCT treaty. The urgent need for such a treaty is all the greater as the risk of proliferation of nuclear weapons is growing and an extremely extensive black market in the field of nuclear technology has been revealed. In the interval between now and the end of these negotiations, Switzerland will support the principle of requiring States which produce fissile material for military purposes to impose a moratorium on the production of such material and place it under the control of IAEA.

Switzerland would of course like the negotiations on a future FMCT treaty to encompass in addition the features which underpin the credibility of such treaties, in the form of the principle of verification. However, in order to not impede any momentum that might be forthcoming, my country is ready to start negotiations without prior conditions.

(Mr. Streuli, Switzerland)

Last week my delegation submitted to the Secretary-General of the Conference a working paper entitled "A pragmatic approach to the verification of an FMCT". We asked the secretariat to distribute this paper as an official document of the Conference on Disarmament to all member States and observer States participating in the work of our Conference. Our working paper was drawn up by one of the experts on the Swiss delegation, Dr. Bruno Pelland, who is a nuclear consultant and a former Deputy Director General of IAEA. The paper deals with the scope of such a treaty, definitions, but in particular, a realistic approach to verifying a global ban on the production of fissile material for military purposes. My delegation is at your disposal and at the disposal of all other delegations to discuss the details of our working paper over the coming days.

The PRESIDENT: I thank the representative of Switzerland, Ambassador Streuli, for his statement and for the kind words addressed to the President. I now have the pleasure to give the floor to the distinguished representative of Chile, Ambassador Juan Martabit.

Mr. MARTABIT (Chile) (translated from Spanish): Ambassador Costea, allow me to congratulate you on taking the Chair of the Conference on Disarmament, and in particular on the way in which you have organized the debate on the prohibition of fissile material for nuclear weapons or other nuclear devices.

I would also like, through you, to congratulate your predecessor, Ambassador Park In-kook of the Republic of Korea, for his contribution to the joint work undertaken by the six presidents of this 2006 session aimed at beginning substantive work in the Conference on Disarmament as soon as possible.

I would also like to thank the secretariat of the Conference for providing us in good time with a compilation of basic documents for this body relating to the issue before us today.

I would also like to acknowledge the work accomplished by the delegation of Japan. We very much appreciated the ideas shared by Ambassador Mine on 9 March and the invitation to participate in an informal open-ended meeting on 7 April last.

The nuclear issue has undergone substantive changes since the end of the cold war. It is the primary responsibility of this forum to address them in a timely and appropriate fashion. The characteristics defining the nuclear threat have become increasingly complex. The risk that nuclear weapons will proliferate or fall into the hands of terrorist groups can certainly be foreseen. Their use no longer falls within the previous logic and controls. Existing regimes must therefore be strengthened. At the same time, it is essential to draw up new instruments to tackle the present situation.

These past 10 years, a decade which coincides with the deadlock in the Conference on Disarmament, have seen a succession of situations that have gradually undermined the nuclear disarmament and non-proliferation regime. This backsliding has been compounded by the equally great evil of inactivity. How many steps have been agreed on and have not materialized? How many agreed intentions have come to nothing?

(Mr. Martabit, Chile)

We are convinced that responsibility for remedying this situation - not to say the obligation to do so - falls in particular on the nuclear States, both those that are parties to the NPT and those that have not ratified it but have clearly demonstrated their nuclear capability. During the debate that we held recently on nuclear disarmament, we heard many delegations make positive references to the importance of banning fissile material for military purposes. We view these as a natural response, since the negotiations in question are an integral part of nuclear disarmament and non-proliferation. Many delegations were prepared to express various degrees of flexibility so that the process could finally start. Chile was naturally one of them.

From the outset, our country has advocated an early start to multilateral negotiations aimed at drawing up a legally binding instrument to ban the production of fissile material, highly enriched uranium or plutonium that could be used for nuclear weapons or other nuclear devices in the framework of an ad hoc committee in this Conference.

We are convinced that the reasons which in 1993 led the United Nations General Assembly to call for a start to such negotiations, to which end the Conference on Disarmament appointed Ambassador Shannon as Special Coordinator the following year, are even more valid today than they were then.

We need to urgently adopt measures that would make it possible to secure control over the vast quantities of fissile material, from the standpoint of proliferation, disarmament and the terrorist threat. We appreciate the moratorium whereby four nuclear States parties to the NPT undertook to refrain from producing fissile material for nuclear weapons, but this is not enough. It is voluntary in nature and hence no substitute for a legally binding instrument. The situation whereby these nuclear States, including those that are not members of the NPT, have not yet made a public commitment to a moratorium of the type mentioned above, only confirms the above point.

Similarly, the fact that existing international regimes that deal with the issue of fissile material are not binding in nature, particularly as regards physical protection, reduction of stockpiles and prohibition of transfers, makes it pressing for us to fill this void. We are aware that the cornerstone must be based on the viability of providing the instrument with an adequate verification mechanism. To this end we have proposed what we refer to as an incremental approach. We are prepared to have different plans, to uphold different paces, to seek formulas which complement one another, but the process must be sustained over time so as to create an effective compliance mechanism.

The measures provided for in the comprehensive safeguards agreements must meet the verification requirements for the non-nuclear-weapon States. It is clear that verification activities additional to the existing activities should be carried out in the nuclear States which have significant activities that are not subject to those agreements.

In a preliminary phase, verification could be confined to prohibition of the production of fissile material that could be used directly for nuclear weapons. In a subsequent phase, thought could be given to the question of stockpiling and the introduction of security measures for facilities containing such material.

(Mr. Martabit, Chile)

Scientific and technical analysis is fundamental to the development of this incremental approach. The tandem of technical know-how and political will cannot be separated. To this end, we might think about setting up panels or workshops with specific mandates. The International Atomic Energy Agency should play a major role in this exercise. Participation by experts from the Comprehensive Test-Ban Treaty Organization, regional and national bodies and, of course, civil society would also be most useful. Lastly, we welcome the initiative taken by the Netherlands to organize an open meeting to tackle some of these important issues, involving participation by members of the International Panel on Fissile Material including its Co-Chair, the distinguished Professor Frank von Hippel. My delegation appreciates the work being done by the panel and looks forward with interest to its first annual report.

The PRESIDENT: I thank the distinguished representative of Chile, Ambassador Martabit, for his very kind words addressed to the Chair and for his statement. I will now give the floor to the distinguished representative of Spain, Ambassador Gerardo Bugallo Ottone.

Mr. BUGALLO OTTONE (Spain) (translated from Spanish): Mr. President, as my delegation is taking the floor for the first time during your term, allow me to congratulate you on taking the Chair, as well as the six Presidents for this year for having structured the timetable in such a way as to allow us to tackle in depth such extraordinarily important issues as the possible negotiation of a treaty to ban the production of fissile material for the manufacture of nuclear weapons or other nuclear explosives, which brings us here today.

It has frequently been repeated in this room that the Conference on Disarmament is the sole multilateral negotiating forum available to the international community in the field of disarmament. To my country, which has always advocated effective multilateralism, it is sometimes disheartening to see that this forum is facing its tenth year without tangible results, shackled by the confrontation between positions that frequently seem to fall more within the realm of public diplomacy than a genuine comparison of substantive interests among the various States. It is paradoxical that the most important results obtained by the CD were achieved in the middle of the cold war, when, from opposing camps, priority was nonetheless given to negotiation of concrete aspects and areas of possible practical understanding were exploited. At the same time, it seems difficult to understand today that the threat posed to international peace and security by the proliferation of weapons of mass destruction has not been enough in itself to bring the various positions closer together.

Under these circumstances, Spain, like many of the delegations here, opted for a low profile, trying to be part of the solution rather than part of the problem. Given the extremely scant reaction in the media to what happens in this room, the exchange of accusations or would-be moral lessons seems to be an investment that would pay very few dividends. It is very difficult to identify what interests or principles could be served by the impasse in which we are now locked. The fact that various members might attribute different values to various aspects of disarmament or non-proliferation from a strategic standpoint cannot, in any way, counterbalance the extremely serious cost of inactivity given the level of risk that we are facing, which, since 11 September 2001 in New York or 11 March 2004 in Madrid, it is inconceivable to ignore.

(Mr. Bugallo Ottone, Spain)

While at that time the attacks took place without the use of weapons of mass destruction, the fury and cruelty they revealed demonstrated clearly that if such weapons were not used this was only because the terrorists had no access to them. The potential for destabilization caused by this convergence of weapons of mass destruction and possible terrorist use can hardly be overstated, and - let there not be the slightest doubt about this - it is our paramount obligation to put an end to it. While it is to be regretted that this Conference has not been able to reach agreement on the adoption of a programme of work, what is far more serious is its divorce from external reality. The solution seems easy, and involves simply applying the most basic practice of multilateral diplomacy: focusing on what we can agree on and deferring those issues that separate us. All the delegations here recognize the need to begin negotiations on a treaty to put an end to the production of fissile material for the manufacture of nuclear weapons. It is a question of ensuring control of the most dangerous of any materials we can consider. This is an exercise in both non-proliferation and disarmament, and the Conference has a mandate for this, at least since the adoption of General Assembly resolution 48/75 L of 1993.

Spain, which needless to say endorses the statement made in this room on 30 March by His Excellency Wolfgang Petritsch, the Ambassador of Austria, speaking on behalf of the European Union, is of the view that the negotiation of such a treaty without prior conditions is the number one priority of this Conference, and considers that there can be no justification for making it hostage to other aspects of disarmament, however worthy of attention these may be to some member States of the Conference.

My delegation welcomes the fact that most nuclear-weapon States have already established a moratorium on the production of fissile material, and appeals to all States, including those that are not yet parties to the NPT, to join this moratorium. In fact, the inclusion of these States in the negotiations on a treaty on the cessation of the production of fissile material is in itself an aspect that we consider to be of the utmost importance.

When an international Conference such as this is beached on a sandbank of inactivity for 10 years, while at the same time we see that the most essential issues of disarmament and proliferation remain outside its sphere of activity, it is time to highlight the need to change track. Since it is impossible to move forward the negotiations by means of "packages" of related matters, Spain considers that it is necessary to drop the idea of linkage and that there is no more effective confidence-building measure than decisive joint action to place limits on the production of fissile material for the production of nuclear explosives - literally, the material from which danger is made.

The PRESIDENT: I thank Ambassador Bugallo Ottone of Spain for his statement, and I will now give the floor to the distinguished representative of Sri Lanka, Ambassador Sarala Fernando.

Ms. FERNANDO (Sri Lanka): Mr. President, since this is the first time I am speaking under your presidency, may I extend our greetings and convey sincere good wishes for your every success? Although you did mention on 23 March that your opening remarks had lost much of their traditional value due to the unprecedented P6 initiative, it could also be said that

(Ms. Fernando, Sri Lanka)

within this collective engagement, each President has his own important responsibility. During your tenure of office, this will include preparing and conducting the structured debate on FMCT. You also rightly reminded us that the debate takes place against the background of extensive early FMCT-related consultations in the CD.

Many delegations have held that substantive work on agenda item 1 is pivotal to progress in the CD this year. We have been encouraged by the good atmosphere that prevails in the CD from the outset of the 2006 session. The active participation of so many delegations in the debate on nuclear disarmament and the long list of speakers today are signs of optimism and also signal continued all-round support for the relevant of the Conference. We must ask ourselves what the CD can do on agenda item 1. There is consensus in the international community, and we presume the CD is a party to it, on the desirability of a long-term process leading to the eventual elimination of nuclear weapons. The time may have come for the CD to take at least a tentative step towards a deliberate process, talks about talks as it were, on a framework under which the shared objective of the ultimate elimination of nuclear weapons can be pursued.

As we search for ways forward on substance, the CD must come to terms with one reality. That is that in the final analysis, it must show to the international community, and to world public opinion in particular, that there is a negotiating forum where common concerns about international security and the world disarmament agenda can be articulated. The CD must also project the impression that this participation denotes not an academic value but a negotiating and treaty-making value.

With regard to the CD's role in discussing a fissile material treaty, Sri Lanka stated its position as far back as 1980. My delegation has already supported a comprehensive international legal regime on banning fissile material production and use, negotiated and adopted as a part of the multilateral nuclear disarmament agenda. We considered then, as we do now, such a regime as one of the most important barriers against more nuclear weapons as well as new nuclear-weapon States.

Beyond the nuclear agenda, though, there are other issues as well. The prevention of an arms race in outer space is an agenda item which is clearly underutilized; we need to build on the work done so far, including the impressive repertoire of technical knowledge that emerged in the Ad Hoc Committee on PAROS.

My delegation shares the view of those members who believe that the CD can and should address conventional disarmament issues as well. Sri Lanka has never been hesitant to address this important question despite the fact that, naturally, the work on nuclear disarmament remained a high priority. While weapons of mass destruction and their proliferation are a continuing threat to humankind, it is small arms that threaten most people in the conflict and war zones of today. The international community must continue all efforts to prevent illicit transfers of SALW into the hands of non-State actors for use in violence and acts of terrorism. It is in that vein that Sri Lanka became one of the first countries in Asia to establish a national commission against the proliferation of illicit small arms and light weapons as a clear manifestation of its deep commitment to implement the United Nations Programme of Action on small arms and light weapons adopted in 2001. It is in this same vein that we also accepted the onerous responsibilities of chairing the Review Conference later this year.

The PRESIDENT: I thank Ambassador Fernando of Sri Lanka for her kind words addressed to the Chair. I will now give the floor to the distinguished representative of Norway.

Mr. PAULSEN (Norway): Mr. President, I am delighted to see you in the Chair. Romania and Norway, together with five other Governments, have for almost a year, on a cross-regional basis, made efforts to move the non-proliferation and disarmament agenda forward. You have my delegation's full support in trying to achieve positive results also in the CD.

It is encouraging that several nuclear-weapon States are prepared to start negotiations on a treaty banning the production of fissile material for nuclear weapons purposes, an FMCT. Their commitment to such a process is of particular importance because it is the nuclear-weapon States - those within and those outside the NPT - which will take new obligations upon themselves when an FMCT enters into force. Nobody else.

Non-nuclear-weapon States are legally obliged not to acquire nuclear weapons under the NPT. Consequently, the production of fissile material for nuclear weapons purposes is already prohibited in the overwhelming majority of States.

Equally, it is discouraging that some non-nuclear-weapon States seem hesitant to start negotiations on an FMCT unless we simultaneously address a variety of other issues and concerns.

Let me elaborate on this point for a second. Given Norway's non-nuclear-weapon status, our location, our specific security concerns and the global threats we, like others, have to face, it is in our obvious self-interest to support efforts to negotiate new commitments in a considerable number of fields. The order of action is not the most fundamental issue for us. That is why we have supported each and every proposal for a programme of work introduced for the CD in recent years.

But we cannot afford to keep the good hostage to the perfect.

Consequently, we advocate immediate FMCT negotiations and the subsequent commencement of consideration of other important issues, as soon as politically possible.

But it remains to be seen, however, whether an FMCT is "ripe" for negotiation. Even if the reluctance among some non-nuclear-weapon States can be overcome, we still need all the nuclear-weapon States around the table, to negotiate in good faith. Several of the nuclear-weapon States have declared a moratorium on the production of fissile material for nuclear weapons purposes, and we take this as an indication of willingness to negotiate a strong FMCT. We call on the other nuclear-weapon States - those inside and those outside the NPT - to clarify their position on the feasibility of negotiating a legally binding FMCT. And would it be an option for the nuclear-weapon States to declare, or reconfirm, moratoria on the production of fissile material for nuclear weapons purposes pending the completion of FMCT negotiations? The Ambassador of Pakistan addressed this issue earlier today very candidly and in a straightforward manner, which we appreciate.

(Mr. Paulsen, Norway)

Today, there is a global surplus of refined fissile material. Some of it is usable for commercial and civil purposes. Some of it is designated for research. Some of it, for submarine fuel and other propulsion systems. Some of it, for nuclear weapons. A lot of it is stocked, including weapon-grade material in excess of actual application.

The material is located in a large number of countries, albeit with large concentrations in a few. We know that terrorists are interested in fissile material both for nuclear explosions and as input in radiological weapons. So it is indeed a challenge to look even further than an FMCT when we address problems related to fissile material. An FMCT will, evidently, focus on the future production of fissile material for nuclear weapons purposes. But existing stocks of weapon-grade material should also be addressed in the course of future negotiations. Such stocks are in more than sufficient quantity to convince us that the nuclear threat is real.

It is possible to down-blend or convert weapon-grade fissile material into fuel for the global energy market. This is to some extent already being done, but a lot remains. This is an issue which should be explored further. Meanwhile, more excess material should be placed under safeguards, as envisaged by the United States, the Russian Federation and IAEA in the Trilateral Initiative.

Arms control treaties are of the greatest usefulness if they are verifiable. We do know, however, that 100 per cent verification is an impossible notion in relation to virtually any treaty. The objective is to achieve a level of verifiability that will deter cheating.

At this stage we do not know how much can be achieved as regards verifiability of future FMCT provisions. Only negotiations and expert studies can enlighten us on this point. Some studies have already been made, and they suggest that a reasonably high degree of verifiability is possible, at a financial price that the international community can afford. (I recall in this context the very interesting working paper that has been submitted by Switzerland.) This is promising, but additional authoritative studies are needed.

With regard to intrusiveness, I think everybody would agree that a verification system should not reveal other information than what is relevant to the treaty. This is not only in the best interest of the States parties, but is also essential for the purpose of non-proliferation.

Verification is obviously related to the question of compliance. It was verified that the Democratic People's Republic of Korea did not operate in accordance with its obligations under the Non-Proliferation Treaty, but when the country announced its withdrawal from the Treaty, we learnt that it was problematic to deal with non-compliance. The NPT, as it were, had a loophole. Such loopholes should be avoided in future arms control treaties, including an FMCT.

Many proposals have been made on how to deal with non-compliance, particularly in relation to the NPT. I will not elaborate on that now, but the issue certainly also has a place on an FMCT agenda.

(Mr. Paulsen, Norway)

In conclusion I will reiterate the role of an FMCT in the overall picture for improving oversight and control of fissile materials of all kinds. We need more proliferation-resistant technology in place. We need to safeguard more fissile material using existing arrangements and initiatives, such as IAEA and the Trilateral Initiative. In this perspective, the prohibition of fissile material for nuclear weapons purposes is an extremely important and natural first step.

The PRESIDENT: I thank Mr. Paulsen of Norway for his statement, and I am now pleased to give the floor to the distinguished representative of Canada, Ambassador Paul Meyer.

Mr. MEYER (Canada): Mr. President, let me first express my congratulations on your assumption of the presidency. I wish you every success in being able to steer our discussions into productive results.

(continued in French)

As we open our dedicated discussions on a possible FMCT today, it is important that we situate our work in the proper context. The Conference on Disarmament is tasked with weighty responsibilities which involve negotiating disarmament agreements aimed at improving the security of the entire international community.

The treaties and conventions that this forum has produced in the past are essential elements of the global regime for non-proliferation, arms control and disarmament in respect of weapons of mass destruction. The fact that the Conference on Disarmament has not agreed on anything substantive in the last eight years, not even a programme of work, is a travesty. But this is an issue on which I do not wish to dwell today.

In no case are these international instruments more vital than in our efforts to prevent the spread, and ultimately achieve the elimination, of nuclear weapons - the class of weapon that continues to pose the greatest danger to people in all States. In his address to the General Assembly special session on disarmament nearly 30 years ago, former Canadian Prime Minister Pierre Trudeau outlined a "strategy of suffocation" for nuclear weapons, the basic aims of which remain the bedrock of Canada's nuclear non-proliferation, arms control and disarmament policy. This strategy provided for a step-by-step process to prevent the spread of nuclear weapons and ensure their ultimate destruction. We envisioned the first step in this strategy to be a ban on the testing of nuclear weapons. Today, we have the Comprehensive Nuclear-Test-Ban Treaty, which, though not yet in force, has nevertheless created a new international norm resulting in a de facto ban on testing, and which has also established an effective monitoring network to detect any nuclear test. The next step in this suffocation strategy is, in our view, a ban on the production of fissile material for weapons purposes - a treaty to halt the production of fissile material. Nuclear weapons cannot be produced without this material. Thus the principle is simple: turning off the supply of such material makes nuclear weapons proliferation, both vertical and horizontal, more difficult.

Important international initiatives to restrict or eliminate access to fissile material for weapons purposes such as the Global Partnership programme, the Global Threat Reduction Initiative, the Plutonium Disposition Agreement, the Trilateral Initiative and the

(Mr. Meyer, Canada)

United States-Russia HEU Agreement are aimed at this goal. But while these initiatives are an attempt to deal with existing excess stockpiles of such material, they do not address the capability of States to produce yet more for non-peaceful purposes. This is the gap which needs to be closed.

(continued in English)

An FMCT has been under discussion in one way or another since the early years of the cold war. The importance placed by the international community on this issue is reflected in repeated references to the desirability of an FMCT appearing in a myriad of international documents over the years, from UNSSOD and NPT Review Conference final documents to recurring United Nations General Assembly resolutions since 1993, for which Canada has taken the traditional lead. Canada has been playing an active role in promoting an FMCT, from the late Ambassador Shannon's mandate, adopted in 1995, to Ambassador Moher's chairing of the Ad Hoc Committee which actually conducted a few weeks of negotiation in the summer of 1998. Our close association with this subject is an indication of the high priority Canada attaches to the conclusion of an FMCT and the contribution we believe it would make to nuclear non-proliferation, arms control and disarmament. We believe it should be the top priority of this Conference.

The nature of the FMCT we seek remains to be defined during the course of negotiations. As discussions on an FMCT have unfolded in the CD over the years, a range of models have been advanced from a comprehensive treaty covering both past and future production and containing robust verification provisions to ensure compliance to suggestions that the treaty should not address existing stockpiles or even include verification measures.

While there is a need to be realistic and pragmatic in our approach, we should not from the outset artificially lower our expectations. An FMCT which proves ultimately to be merely a vague declaratory statement of good intentions about future production does the international community a disservice, and would be an indication that we are not serious about nuclear non-proliferation, arms control and disarmament. Just as in the case of the CTBT, a strong FMCT can be invaluable in creating a new international norm against the production of fissile material for weapons purposes. Has there not already been enough fissile material produced for nuclear weapons in the world? Is it not time to stop? Those States which are currently releasing fissile material from military programmes, or which have declared unilateral moratoria on future production, obviously think so. Canada does too.

We intend to raise a number of these considerations in further Canadian interventions during the thematic debate this week and in subsequent sessions. We have already distributed a working paper on stocks (CD/1770) which updates and builds upon our 1999 document on the same topic. We hope these contributions and those of other States will provide the stimulus needed to kick-start the CD to action on this vital issue. We need to get those negotiations under way now.

(Mr. Meyer, Canada)

An FMCT is no less relevant today than it was a half century ago. In fact, it is even more urgently needed in the face of contemporary international security threats. Canada continues to believe that the CD is the forum in which negotiations for an FMCT should begin forthwith. It is our sincere hope that these focused discussions, this week and later, will contribute to breaking the impasse which has paralysed this forum for far too long. I wish to reiterate Canada's commitment to working with all delegations here to achieve a consensus on a way forward for the CD that will enable us to commence negotiation of this vital treaty.

The PRESIDENT: I thank Ambassador Meyer of Canada for his statement and for his kind words addressed to the Chair. I now give the floor to the distinguished representative of Germany, Ambassador Bernhard Brasack.

Mr. BRASACK (Germany): Mr. President, since this is the first time I am taking the floor under your presidency, allow me also to extend the heartfelt congratulations of this delegation on the assumption of your high office and certainly, we pledge our full support in your endeavours, at a particularly important time in our CD cycle this year. Germany looks forward to the upcoming structured debate, focused on a treaty on the prohibition of the production of fissile material for nuclear weapons or other nuclear devices.

At the outset, Germany would like to associate itself with the statement on an FMCT delivered by Ambassador Petritsch on 30 March 2006 on behalf of the European Union. In this statement - and allow me to repeat the core elements - the EU attached clear priority to the negotiation, in the Conference on Disarmament, of an FMCT as a means to strengthen nuclear non-proliferation and disarmament; called again for the immediate commencement of negotiations as well as the early conclusion of a non-discriminatory, universally applicable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices without preconditions and bearing in mind the Special Coordinator's report and the mandate for an ad hoc committee within the CD contained therein; called on all States to declare and uphold a moratorium on the non-production of fissile material for such purposes; and welcomed the actions of those four States which have decreed such moratoria.

Germany would also like to refer to the discussions on an FMCT at the 987th plenary meeting of the Conference on 28 June 2005 under the Norwegian CD presidency, in which it took an active part.

As it is worthwhile to recall, efforts for a treaty to ban the production of fissile material have a long history: from the United Nations General Assembly on disarmament (SSOD-1) to the unanimous 1993 United Nations General Assembly resolution 48/75 L, to a mandate in March 1995 to implement the decision of 11 August 1998 to establish an ad hoc committee within the CD.

Moreover, the NPT States parties reaffirmed the urgency of launching FMCT negotiations among others in the final document of the Review Conferences in 1995 and 2000, including the 13 Practical Steps on nuclear disarmament, laid down in article IV, paragraph 15, of the Final Document of the NPT 2000 RevCon.

(Mr. Brasack, Germany)

In the General Assembly of the United Nations, Germany has a solid track record in lending support to all relevant resolutions for the last decades as a further testimony of its commitment to an FMCT.

An FMCT would “cut off” the production of the most dangerous nuclear fissile materials - those for nuclear explosions. The main limitations and restraints would be with regard to States, inside or outside the NPT, possessing nuclear weapons, or which might in the future pursue nuclear military capabilities. Capping the production of fissile materials that are designed for nuclear weapons is the next logical step. It could contribute an element of irreversibility in nuclear disarmament.

In trying to deal with the threat of nuclear terrorism post-11 September, the tasks of securing fissile material stocks worldwide and introducing reliable material balances and better accountancy are of central importance. These tasks would become much more difficult, if not impossible, if more countries were to produce additional relevant fissile materials. All of us have a vital interest in curbing the build-up of relevant fissile material, because the more there is, the harder it is to secure and the easier it is for terrorists to get hold of some.

Germany advocates the start of FMCT negotiations without preconditions. No preconditions, either with regard to what shall be negotiated, or with regard to the expected or desired outcome. In our upcoming deliberations no delegation should be prevented from raising any issue it sees as relevant, such as the scope of the treaty, the issue of stockpiles produced before entry into force, the management, accountancy and transparency of relevant fissile materials. The principle of no preconditions cannot and should not prevent us from having and expressing our ideas about the nature and elements of the treaty to be. Germany understands that this is the very aim of this year’s focused and structured debate on an FMCT.

Firstly, as regards the issues related to the scope and definitions of an FMCT: the main aim of the negotiations should be to effectively prevent any increase in stocks of nuclear materials for military purposes. Hence, the scope of the treaty should encompass the prohibition of any future production of nuclear material directly used for the manufacture of nuclear explosive devices; the prohibition of the reuse for military purposes of fissile material derived from disarmament measures and rededicated for civil purposes; and a ban on any transfer of civil fissile material with the aim of manufacturing nuclear explosives as well as for other military purposes.

In the treaty text several definitions will be needed. Inventing definitions contradicting or additional to those for the existing IAEA safeguards should be avoided as far as possible. Definitions among others must be put in place to define the relevant fissile material and the term “production”.

As you all know, positions diverge with regard to the inclusion of relevant fissile material produced before the entry into force of an FMCT. Inclusion of these stocks in an FMCT would have the following clear merits: it would guarantee to a large extent the necessary transparency and would enable accountancy in the effective prevention of non-proliferation, not only with

(Mr. Brasack, Germany)

regard to inter-State relations but also as regards theft and transfers to terrorists. It would avoid additional complication of the verification system by avoiding the necessity to clearly and fully distinguish between fissile material originating from “pre-cut-off” activities, which could be licit, and “post-cut-off” illicit material production. States parties should commit themselves to striving for the highest possible degree of transparency, above all by declaring existing civil as well as military stocks.

The issue of verification is closely interrelated with the scope, including the definitions, of the treaty. No doubt the verification of an FMCT will be a challenging task. Any FMCT verification mechanism would be tailored to the purpose and to the kinds of facilities involved. This includes possibilities for managed-access inspection procedures or “black box” approaches, where sensitive national security information must be protected as well as information that could assist potential proliferators.

Even in the case of more limited scope, the standards of the verification mechanism between the NPT and the FMCT would have to be similar. Explaining why a weaker verification system is sufficient to ensure compliance with an FMCT but not sufficient to ensure compliance with the NPT by the non-nuclear-weapon States might be difficult. Differences in the verification systems of both treaties therefore should originate from the different scopes of these treaties. This would also be in line with the non-discriminatory approach of a future FMCT.

Verification would have to be enhanced by national technical means, as in the other verification regimes. To rely on national technical means only would lead to countless compliance disputes without any impartial mechanism to resolve them. It is also doubtful that under such circumstances all relevant States would irreversibly cut off the production of new materials without any real means of building confidence that the others were meeting their obligations. If States cannot know what is really happening, that would give false confidence that something has been accomplished.

A fissile material cut-off treaty would serve as an important tool for non-proliferation of the “stuff that nuclear explosives are made of”, by enhancing transparency and accountability in the management of such materials through its verification system. In addition it would be an effective means of preventing such materials from falling into the hands of terrorists.

The PRESIDENT: I thank Ambassador Brasack of Germany for his statement and for his kind words addressed to the Chair. I now give the floor to the distinguished representative of Poland, Ambassador Zdzisław Rapacki.

Mr. RAPACKI (Poland): Mr. President, as I am taking the floor for the first time during your presidency, I would like to congratulate you on the assumption of this high office in the Conference on Disarmament. I would like to assure you of the full support of the Polish delegation.

(Mr. Rapacki, Poland)

Allow me also to welcome warmly Tim Caughley - up till recently our colleague Ambassador from New Zealand to the CD - now in his new role as Director of the Geneva Branch of the United Nations Department for Disarmament Affairs and Deputy Secretary-General of the CD. We hope that his experience from this side of the room will be of great help to us in achieving a breakthrough in the work of the Conference. You may count on my delegation's constant support and cooperation.

As was stated many times by my delegation, including through statements by the European Union, the prompt commencement of negotiations on the fissile material cut-off treaty (FMCT) remains the priority of the Republic of Poland. It is one of the most awaited multilateral disarmament treaties. This instrument is still lacking in the system of treaties on nuclear disarmament and non-proliferation, despite the repeated calls of the international community, including those contained in the final documents of the Review Conferences of the NPT. In 1998, this Conference, recognizing the importance of the subject, managed to establish an Ad Hoc Committee to conduct those negotiations, based on the merits of the FMCT. Regrettably, from then onwards, no further work has been done on the issue. However, we sincerely hope that this focused structured debate on the FMCT will help us in determining where we, as the Conference on Disarmament, stand and what further steps should be taken to commence the negotiation process. We hope that the participation of experts from capitals and the submission of new documents will help in moving the CD in the desired direction.

Our objective is clear: we need a norm that will substantively contribute to nuclear disarmament and which will halt the production of fissile material for military explosive purposes. Let me state it clearly - this would be a significant step towards the elimination of material the use of which could lead to a repeat of the horrors of Hiroshima and Nagasaki. The treaty may provide the best assurance that, in the long run, nuclear weapons will never be used. The FMCT would also provide an important tool in preventing terrorist groups from accessing materials they may use to cause devastation incomparably greater than those of 11 September 2001.

It is the view of my delegation that the future treaty should not put any additional burden on non-nuclear-weapon States which adhere to the comprehensive safeguards system and Additional Protocols of IAEA. These instruments have already created a verification system for this group of States. Therefore, it would be advisable to consider the participation of IAEA experts in future debates in the CD, as well as in the future negotiation process.

With regard to the States capable of obtaining fissile material, the issue is more complex. An urgent priority which has been identified is the legalization of the moratoria on fissile material production for military purposes. That would be one of the goals of the treaty. Let me also call on those States who have not declared a moratorium on production of fissile material for military purposes to do so and provide further impetus to start FMCT negotiations.

The questions to be solved during negotiations are numerous, as I mentioned before. When discussing the specific issues, we will have to keep in mind inter alia: the need to address the possibility of non-State actors using fissile material - that will require clarification on the extent the future treaty should cover the production of materials not only for military

(Mr. Rapacki, Poland)

applications, but also those which could be used for the production of so-called “dirty bombs”; how to effectively prevent the redirection of peaceful production for military purposes; the possible scope of verification and its feasibility from declarations and transparency measures to more intrusive measures such as visits, monitoring, etc.; how to assure the non-discriminatory character of the treaty and its proper balance; and how to define the obligations of “States other than non-nuclear-weapon States under the NPT” to make the future treaty feasible and effective.

We all know that the FMCT is not an easy subject. I am confident that these issues could be successfully addressed and resolved in the process of negotiations. We could take into consideration the establishment, within the ad hoc committee, of working groups or groups of experts which could address these crucial issues. Let us not be mistaken. These negotiations are surely going to be lengthy and difficult. But it was for one reason that this Conference was established in the first place, and that was to negotiate.

We should also retain flexibility in our thinking about the desired outcome of the negotiation process. We may easily imagine many possible scenarios ranging from a fully-fledged treaty, with a comprehensive verification system, covering all outstanding issues, to a general, norm-setting treaty clearly prohibiting production, with clear provisions for further negotiations in the CD on the outstanding issues.

It will be up to the States, within the appropriate negotiation process, to decide which alternative is more acceptable and would better contribute to solving the problems. However, we are confident that we should not delay the start of substantive work.

The FMCT is much awaited by the international community. It will address the not hypothetical but real existing threats to international peace and security. Poland sincerely hopes that this focused structured debate will help us better understand the details and possible functioning of the future treaty, and that it will prove an additional step in bringing us closer to negotiations.

The PRESIDENT: I thank the Ambassador of Poland for his kind words addressed to the Chair as well as for his statement. I now give the floor to the distinguished representative of Japan, Ambassador Yoshiki Mine.

Mr. MINE (Japan): Mr. President, at the commencement of the structured focused debate on an FMCT, let me once again extend my delegation’s heartfelt congratulations on your assumption of the presidency and assure you of our continued cooperation.

As is well known, Japan attaches great importance to an FMCT as a priority at the CD as a measure to promote nuclear disarmament and non-proliferation. We therefore welcome with great anticipation this month’s session of structured, focused debate.

With this in mind, I have asked for the floor today to present to the Conference Japan’s working paper on an FMCT, which will be distributed as CD/1774. Though a great deal of work went into preparing this working paper, it is just one part of Japan’s ongoing efforts to contribute to more detailed and precise discussions on an FMCT, and it does not in any way prejudice

(Mr. Mine, Japan)

Japan's position in future negotiations. We may say something different in the future. We have endeavoured as objectively as possible to present the ideas that are most appropriate, and although you all have a copy on your table, I would now like to highlight a number of those ideas, focusing on the substantive aspects. It is to some extent an elaboration on what I explained several weeks ago, but it is important to do that, particularly in view of the fact that we can enjoy focused debate on an FMCT in the presence of experts from a number of countries. In this spirit I would like to jump over the major issues, skipping several paragraphs.

Since there are many issues that make up an FMCT - more than could be covered in one working paper - we have focused on the four major issues: the scope of core obligations, verification, existing stocks and definition.

Firstly, in the various discussions held up until now, there is a consensus that a ban on the production of fissile material for nuclear weapons or nuclear explosive devices would be the core obligation of an FMCT. Additionally, it is obvious that fissile material for civil use should not be subject to a production ban under an FMCT.

The scope of core obligations could encompass other issues than the aforementioned. On the future production of fissile material we note that broad consensus exists for its inclusion in an FMCT as a minimum. Consequently, after the entry into force of an FMCT, States parties possessing production facilities for nuclear-weapon-use fissile material would be obligated to close down, decommission or convert those facilities to non-nuclear-weapon use. Because "reversion" of such facilities to nuclear-weapon use would equate to de facto production, such reversion should be subject to a ban.

Since "diversion" of existing and future stocks of fissile material for non-nuclear-weapon use to nuclear-weapon purposes would also be substantially the same as production, it should also be subject to a ban.

Transfer and assistance to another State in the production of fissile material for nuclear-weapon purposes would also constitute production. This should also be within the scope of core obligations.

Secondly, within our working paper we examined the concept of verification within an FMCT. We believe there are four possible ways to consider verification. These are: (i) confirmation that the amount of stock of fissile material for nuclear weapons or nuclear explosive devices has not increased from the date an FMCT enters into force; (ii) confirmation that the reactors and facilities for the production of fissile material for nuclear weapons or nuclear explosive devices that are closed down, decommissioned or converted to non-nuclear-weapon use remain so; (iii) confirmation that fissile materials that have voluntarily been declared as excess as a result of nuclear disarmament are not reverted back to nuclear-weapon purposes; and (iv) confirmation that fissile materials for non-nuclear-weapon purposes have not been diverted to nuclear-weapon purposes.

(Mr. Mine, Japan)

There are many issues that require examination. For example, with regard to category (i), it will be necessary under FMCT verification to declare all past production of fissile materials, but from the perspective of proliferation-sensitive information, it has been pointed out that making such declarations mandatory may be unrealistic. Moreover, it has been pointed out that identifying the production time and purpose of fissile materials would also be challenging and would require the active input of the States possessing such materials.

However, for example, regarding category (ii), after joining an FMCT, fissile material production facilities for nuclear weapons in States parties will inevitably be closed down, decommissioned or converted to non-nuclear-weapon use. Confirmation that those facilities - at least the facilities closed down, decommissioned, or converted to civil use - will never again "operate" as production facilities for nuclear-weapon purposes would be necessary and significant from the perspective of ensuring the core obligation of an FMCT. Moreover, the verification of this category would have the effect of substantially verifying a large part of category (i) and would be extremely important for improving confidence in an FMCT. Also, with regard to category (iii), namely, verification of fissile material voluntarily declared excess for nuclear-weapon purposes, discussions are already under way, as also pointed out by other colleagues, between the United States, the Russian Federation and IAEA. Examining the integration of category (iii) into an FMCT, with reference to this Initiative, would be significant from the perspective of legally ensuring irreversibility.

The point we would like to make here is that conducting a more detailed examination of every concrete way of verification is important. As we have made it clear in our working paper, the issue of verification is far from cut and dried; consequently, further discussion is evidently required.

Thirdly, precisely detailing what specific obligations would be envisaged with regard to existing stocks under an FMCT is imperative. Certainly, the transfer of stocks for nuclear weapons to a third country, the diversion to nuclear-weapon purposes of stocks from conventional military use, and the "reversion" back to nuclear-weapon purposes of stocks declared as excess should be banned. Nevertheless, as we have noted in our working paper, there are further issues in relation to existing stocks that could be studied, such as transparency-enhancing measures and realizing physical protection obligations from the perspective of strengthening nuclear security.

Fourthly, there is consensus that "special fissionable material" under the IAEA Charter should fall under the definition of "fissile material for nuclear weapons". Inclusion of other material should be studied in detail by experts, based on possible discussions in IAEA.

Finally the significance of an FMCT as the next logical step for nuclear disarmament and non-proliferation is more relevant today than ever before. I noted with interest, Sir, that in your statement before the April break you referred to a passage in Alice in Wonderland. Maybe you should have quoted the full exchange between Alice and the Cheshire Cat, because Alice says, "I don't care where ... so long as I get somewhere", to which the Cheshire Cat replies "Oh, you're sure to do that, if only you walk long enough". We hope these discussions on FMCT take us "somewhere", because we have certainly walked long enough.

The PRESIDENT: I thank Ambassador Mine of Japan for his statement, for his commitment to help us all in moving along with the work and for his recollection of the wisdom of the Cheshire Cat. May that wisdom rule us all. I now give the floor to the distinguished representative of the Russian Federation, Ambassador Valery Loshchinin.

Mr. LOSHCHININ (Russian Federation) (translated from Russian): Russia proceeds from the proposition that halting and prohibiting the production of fissile material for nuclear weapons or other nuclear explosive devices should be the next logical step in strengthening the regime of nuclear non-proliferation and in nuclear disarmament. Russia halted the production of fissile material for nuclear weapons over 10 years ago. Weapons-grade uranium has not been produced in our country since 1989. Ten reactors that had produced weapons-grade plutonium have been shut down. Plutonium produced at the remaining three reactors generating heat and electricity has not been used for nuclear weapons since 1994. At present, in accordance with the Russian-American agreement signed in 2003, work is under way to construct heat-and-power-generating facilities that will enable us to halt these reactors completely and replace them.

Russia has steadfastly supported the agreed recommendations of the 1995 and 2000 NPT Review Conferences concerning the drafting of an FMCT treaty in the Conference on Disarmament. We hope that as a result of the efforts of all States we shall be able to reach a compromise on a balanced programme of work for the Conference, which will enable us to launch negotiations on this important issue.

Russia's approaches to the main elements of the treaty are well known. Let me remind you of some of them. The scope of the treaty should encompass, first, a ban on future production of weapons-grade uranium and plutonium for the nuclear-weapons purposes; second, a ban on assisting or encouraging production of these materials by other States; third, a ban on the transfer of fissile material from the civil to the military cycle for nuclear-weapons purposes.

The treaty will not prohibit the production of fissile material for purposes other than making nuclear weapons or other explosive devices. Such non-prohibited purposes will include the production and use of uranium for naval propulsion, including in submarines. We support the view of the Ambassador of France, Ambassador Rivasseau, and a number of other delegations that the scope of the treaty should not include existing stocks of fissile material. The treaty should be of unlimited duration. It is vital to secure the participation of the largest possible number of States, particularly the nuclear Powers, as well as countries which possess a potential to produce nuclear explosive devices and have uranium enrichment and spent fuel reprocessing facilities.

The PRESIDENT: I thank Ambassador Loshchinin of the Russian Federation for his statement. I now give the floor to the distinguished representative of Sweden, Ambassador Elisabet Borsiin Bonnier.

Ms. BORSIIN BONNIER (Sweden): Mr. President, let me say that it is a pleasure to see you in the Chair. Sweden, in all respects, will happily cooperate with you in the discharge of your duties.

I would also like to say that, since Sweden was the first country to ratify CCW Protocol V on explosive remnants of war, it feels very good to know now that it has reached the point of entering into force.

I very much welcome this week's focus on issues related to an FMCT. Following your intended outline, I will today only make a few general remarks, and the overall Swedish nuclear disarmament and non-proliferation policy, I guess, is known to all. My delegation then looks forward to the opportunity for us all to take the discussion to a more detailed and concrete level later during the week, with the active participation of many experts from capitals, including my own.

There is some question whether the FMCT, as it was conceived in the 1990s, is still relevant. And others ask if it is worth the effort to negotiate a treaty if one cannot be sure that it will fully meet its non-proliferation and disarmament potentials. My Government's clear answer to these questions is - yes.

The basic benefits of an FMCT still remain. By permanently ending production of fissile material for weapons purposes - while assuring that no transfer is made of such material from peaceful to weapons purposes - the long-term nuclear disarmament process is made irreversible. Ending the production and thus gradually reducing the stocks of weapons material will also benefit our common non-proliferation objectives. An FMCT should also - I sincerely hope we all agree - be non-discriminatory and thus reduce some of the discriminatory effects of the NPT regime.

Some NWS have unilaterally declared and are upholding moratoria on the production of fissile material for weapons. All States concerned should follow this example, pending the conclusion of an FMCT. Still, the production of fissile material for weapons continues worldwide and our concerns over ongoing and potential production remain. Furthermore, existing moratoria are not irreversible, nor are they applied in a transparent and effectively verifiable manner.

The wider debate on the NPT and the nuclear fuel cycle has influenced our thinking on an FMCT. But it has in no way superseded the FMCT. A multilaterally negotiated agreement capping all future production of fissile material for weapons purposes would rather facilitate discussions also in other relevant forums on how to tackle the proliferation concerns related to the nuclear fuel cycle in general.

Our national positions on specific aspects of an FMCT were framed in the late 1990s, when for a short time real negotiations seemed to be in the making. International developments prompt us again to reflect on some of those elements.

(Ms. Borsiin Bonnier, Sweden)

The threat that non-State actors might acquire the capability to put together a nuclear weapon will affect our view on which materials should be covered by the treaty. During this week experts will have the opportunity to take a fresh look at definitions of weapons-grade and weapons-usable fissile material.

The approaches surrounding non-weapons use, be it military or civilian, of weapons-usable material might also need to be revisited in light of the technical and political trends away from such uses.

New verification techniques and approaches are being developed and will continue to improve our ability to effectively verify compliance with an FMCT. My delegation looks forward to constructively engaging at expert level with those who may take a more pessimistic view of verification.

We continue to view the issue of stocks as an essential part of the negotiation of an FMCT from both the non-proliferation and the disarmament perspectives. Several realistic approaches are on the table, including those put forward in the Canadian working paper. These in my view quite modest proposals still merit thorough examination this week.

Clearly, scope (including definitions and stocks) and verification will be the main focus of our expert discussions this week. But our views on other provisions of the treaty might also need to be discussed a bit and reviewed in the light of recent developments. This includes entry-into-force provisions, where experience from the CTBT may need to be taken into account.

Commitments are commitments and should be upheld. The commitment to “immediate commencement and early conclusion” of FMCT negotiations should be followed by the adoption, by all of us, of political stances that would make substantive progress possible. Anything less will undermine not only the chances of progress towards an FMCT, but also the credibility of the disarmament and non-proliferation regime. My delegation now looks forward to a week of constructive discussions on key issues of a future FMCT. We now have an opportunity to set the scene for negotiation of an FMCT and to prove the continued relevance of this august body, the Conference on Disarmament.

The PRESIDENT: I thank Ambassador Borsiin Bonnier of Sweden for her statement and her kind words to the Chair. I now give the floor to the distinguished representative of Turkey, Ambassador Türkekul Kurttekin.

Mr. KURTTEKIN (Turkey): Mr. President, since this is the first time I am taking the floor during your tenure, let me also begin by congratulating you on your assumption of the presidency and assure you of my delegation’s full support and cooperation in your endeavours.

I think we can all agree that the 2006 session of the CD has begun remarkably well. This is thanks to the hard work and determination of the six CD Presidents of this year. One day there will be the awaited timetable of activities drawn up by you and the other five members of the P6. The meetings of the CD are running smoothly and steadily.

(Mr. Kurttekin, Turkey)

Our warm wishes and appreciation also go to the Friends of the Presidents, who are contributing to this process. We hope that with this new input the CD can break the deadlock, which it desperately needs to do, and adopt a comprehensive programme of work. The programme of work of course is not an end in itself, but rather a means to an end, that end of course being making the CD once again relevant and delivering the goods expected from the sole multilateral negotiating body for disarmament affairs.

Since according to the timetable of our activities, this week is dedicated to the fissile material cut-off treaty issue, the rest of my comments will be focused on an FMCT. But let me first put this into context.

Turkey attaches great importance to nuclear disarmament and the non-proliferation of nuclear weapons, the cornerstone of which is the Nuclear Non-Proliferation Treaty. While it is true that the NPT regime has definitely seen better days, and that during the NPT 2005 Review Conference last year we missed a valuable opportunity to address current challenges, Turkey remains wholeheartedly committed to this distinctive regime.

We hold the view that disarmament and non-proliferation are mutually reinforcing processes that require continuous and irreversible progress on both fronts. As such, we remain fully committed to the implementation of the 13 Practical Steps that were agreed upon during the NPT 2000 Review Conference. One of the steps which will serve more for nuclear disarmament and non-proliferation is the crafting of an FMCT. The use of nuclear weapons and the danger posed by their proliferation remains one of the greatest challenges to international peace and security. This challenge is magnified by the threat posed by terrorism and the gruesome idea that terrorists may some day get their evil hands on so-called dirty bombs, of whatever kind they may find, including those that are nuclear. To my delegation the prescription is clear. It is the immediate commencement of negotiations in the CD, the early conclusion of a non-discriminatory universally applicable treaty banning the production of fissile material for nuclear weapons or for other nuclear explosive devices, without preconditions and bearing in mind the Special Coordinator's report and the mandate included therein.

Pending the entry into force of such a treaty, all States should declare and uphold a moratorium on the production of fissile material for nuclear weapons or other explosive devices. Turkey welcomes the action of the non-nuclear-weapon States that have declared unilateral moratoria, and calls upon those who have not declared a moratorium on the production of fissile material for nuclear purposes so far to do so.

There are elements of the disposition of my country that I wish to elaborate further. First of all, my delegation firmly believes that the concept of verification is a vital part of any multilateral disarmament and non-proliferation treaty. If we are to talk about compliance with disarmament and non-proliferation instruments, we inevitably need to talk about the verification with which we monitor such compliance or lack thereof.

Another aspect that we feel needs to be dealt with is the question of scope, which is in fact related to the question of verification. However, in Turkey's view, neither verification nor scope is a precondition for the commencement of negotiations. We remain flexible and would

(Mr. Kurttekin, Turkey)

be ready to start negotiations on a fissile material treaty, be it based on the five Ambassadors' proposal or on the Netherlands proposal in the form of a "food for thought" paper last year, or on any other proposal, be it formal or informal, that could achieve consensus.

Many issues such as verification and scope would obviously need to be addressed during the course of the negotiations. Nonetheless, since these will not be preconditions, multilateral negotiations could at least start without losing any more precious time.

The non-discriminatory, universally applicable and effectively verifiable FMCT will indeed go a long way in achieving nuclear disarmament and the non-proliferation of nuclear weapons. For the negotiation of such a treaty to commence and be concluded in the shortest possible time, Turkey recognizes the necessity of establishing an appropriate subsidiary body within the CD to be equipped with a suitable mandate to deal with nuclear disarmament, and supports the proposals for the immediate establishment of such a body.

We hope that this week's deliberations and contacts on the side will usher in such developments.

I would like to take this opportunity to also thank through you the delegations that have invited experts from their capitals to Geneva to share their expertise with us. My delegation looks forward to listening to expert presentations and contributions.

In conclusion, let me invite all those gathered in this chamber to remember once again that challenges do not simply disappear and that problems do not solve themselves. We must all work together to make this Conference live up to its past laurels and outside expectations.

The PRESIDENT: I thank the Ambassador of Turkey for his kind words and for his statement. I now give the floor to the distinguished representative of the Netherlands, Ambassador Johannes Landman.

Mr. LANDMAN (Netherlands): Mr. President, since I have already taken the floor during your able presidency, I will directly address the subject at hand, but not without mentioning my feelings of great satisfaction with the news of the ratification by the nineteenth and twentieth participants concerning the Protocol on the remnants of war. As you all know, it was under the Netherlands presidency, under the presidency of my predecessor, that this Protocol was negotiated, so we are most eager that it starts early functioning. This news is really most welcome.

An FMCT constitutes the next logical step on the multilateral nuclear and non-proliferation disarmament agenda. An FMCT would ban the further production of fissile materials for use in nuclear weapons and nuclear explosives and is, therefore, a vital component of any coherent international nuclear non-proliferation strategy. An effective and verifiable FMCT that puts a cap on the production of fissile materials for weapons purposes, as well as increasing the number of production facilities under international safeguards, represents an

(Mr. Landman, Netherlands)

essential step forward in our arms control and disarmament efforts. The Netherlands regards an FMCT of the utmost importance to multilateral nuclear non-proliferation and disarmament and calls for the commencement of negotiations, without preconditions, on a non-discriminatory, multilateral treaty banning the production of fissile material for nuclear weapons or other explosive devices.

In the past the international community has repeatedly indicated that it is ready to start, by consensus, negotiations on an FMCT. The United Nations General Assembly on 16 December 1993 adopted a resolution that recommended “the negotiation in the most appropriate international forum of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”. In the document on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the NPT Review and Extension Conference of 1995, the international community recognize the importance of such an FMCT treaty to the implementation of article VI of the NPT, and called for the “immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein”. In the final document of the NPT Review Conference of 2000, the international community agreed to undertake 13 practical steps towards the systematic and progressive implementation of article VI of the NPT, including the immediate commencement of negotiations in the Conference on Disarmament on an FMCT with a view to its conclusion within five years.

The Netherlands is prepared to commence negotiations on the basis of the report of the Special Coordinator and the five Ambassadors’ proposal. However, although there seems to be widespread support for the five Ambassadors’ compromise proposal for a programme of work, it has not remained undisputed. To meet the concerns of some Conference member States, the Netherlands distributed a non-paper in 2005, also known as the “food for thought” paper. In view of the importance of an FMCT, the Netherlands accepted last year the immediate commencement of negotiations on the basis of that “food for thought” paper, as a first step in a larger context of global security concerns.

The main purpose of an FMCT would be to bring an end to the production of HEU and plutonium for use in nuclear weapons. Although a multilateral treaty, an FMCT would primarily affect those States which are or have been producing fissile materials for weapon purposes.

As a direct result, all military enrichment and reprocessing plants producing nuclear material for nuclear explosives should either be shut down, dismantled or converted to civil purposes and put under a safeguard - a real contribution to global disarmament. It would lead to a less discriminatory application of safeguards than is currently occurring. Nuclear-weapon-capable States and non-nuclear-weapon States would thus have to accept the same safeguards on their peaceful nuclear activities.

(Mr. Landman, Netherlands)

There have been some general remarks on an FMCT. I am looking forward to the focused and structured debates we will have during the rest of the week. We surely will make additional remarks at the appropriate time. But I am gratified that so many experts are joining in to enrich our discussions. It is for that reason also that I am very happy we were able to organize a forum discussion this afternoon in this very hall with the highly qualified members of the International Panel on Fissile Material coming from several quarters of the globe to kick off the debate, so to speak. We have done so already on several occasions in the past 10 years in order to help keep these negotiations at least on the agenda. Now we hope that this forum event will provide a stimulus towards kick-starting the CD negotiations on this subject at last in the framework of a more collective effort under the able guidance of our six CD Presidents of this year.

Indeed, we have certainly walked long enough in the last 10 years for the credibility of this august body not to suffer.

The PRESIDENT: I thank the Ambassador of the Netherlands for his statement. I now give the floor to the distinguished representative of the Republic of Korea, Ambassador Dong-hee Chang.

Mr. CHANG (Republic of Korea): Mr. President, I would like to begin by thanking you for your kind words addressed to me and for giving me an opportunity to begin my job as the new Korean Ambassador by addressing this august forum, which has played a pivotal role in the field of non-proliferation and disarmament. As a newcomer, let me assure you of my full cooperation with you for the success of this session.

This year the Conference on Disarmament (CD) has embarked on its mission with a renewed sense of purpose. I believe that the common approach taken by this year's six Presidents, in particular the unprecedented year-long timetable for the CD, is a meaningful process that will provide the CD with the momentum to break with the drift of the past and enable this body to get back to work in earnest. I take this opportunity to assure you that I will do my utmost to contribute to moving the work of the CD forward.

The commencement of negotiations on a fissile material cut-off treaty (FMCT) has been a priority of the international community in the disarmament field since 1993, when the United Nations General Assembly adopted resolution 48/75 L, endorsing the FMCT negotiations. Numerous calls have been made since then for the initiation of negotiations on the FMCT. However, no substantial progress has been made so far on this important issue.

I cannot overemphasize the importance of the FMCT as the next logical step following the adoption of the CTBT, not only for nuclear non-proliferation, but also for nuclear disarmament. The CTBT and the FMCT are two essential building blocks which complement and strengthen the NPT regime. They would indeed represent significant steps forward as they would place qualitative and quantitative caps on the further expansion of nuclear weapons programmes. The FMCT would additionally further help reduce the risk of nuclear theft and terrorism.

(Mr. Chang, Republic of Korea)

As stated on many previous occasions, the Republic of Korea continues to place high priority on launching negotiations on the FMCT in the CD at the earliest possible date. My delegation believes that it is the only issue ripe for negotiations in the CD. In this vein, I would call for the establishment of an ad hoc committee in the CD to commence negotiations on the FMCT. Further delay would only damage the credibility of the CD as the sole multilateral negotiating body in the field of disarmament. In this sense, we hope that the focused debates on the FMCT issue during your presidency will create a favourable atmosphere by increasing the overall level of understanding of the related issues.

Against this backdrop, let me present my Government's views on the substantive aspects of the FMCT.

First, as for the definition of fissile material, various definitions of the term exist in the literature, including in documents from the United Nations as well as from IAEA. The definition of fissile material is the first question to be addressed in the negotiations. How we define fissile material is important as it has direct implications for the scope of the treaty. In this regard, my delegation is of the opinion that the criterion of "direct use material" employed by IAEA provides a good reference point for further elaboration. Korean experts will present their views on this matter in a detailed manner during the experts' meeting.

Second, with respect to the scope of the treaty, my delegation believes that the treaty obligations should be set out in such a manner as to effectively achieve the goal and objectives of the treaty. In this regard, the activities to be banned should not be confined to production, but also include all the activities related to nuclear weapons materials, such as diversion, reversion and transfer.

Another related issue is how we deal with existing stocks. A viable solution needs to be explored to work out differences concerning the inclusion of existing stocks of nuclear material. In this sense, we see merit in the South African proposal contained in CD/1671, in which nuclear weapons materials declared "excess" could be included in the starting inventory when the FMCT enters into force.

Third, my delegations supports an internationally verifiable FMCT in line with the Special Coordinator's report and the mandate contained therein. However, the viability and scope of the verification system will largely depend upon the extent to which materials and activities are covered by the FMCT. We also need to take into full consideration the cost implications of the various proposals. We therefore expect that the current meetings will enable us to assess the whole range of options for verification and hopefully enable us to narrow down our thinking to a realistic arrangement.

Lastly, we should not overlook the importance of the legal aspects of the FMCT. Ensuring the participation of all non-parties to the NPT is of enormous importance in securing the universality and effectiveness of the FMCT. Yet, taking into account our experience with the CTBT, we should also consider more flexible and evolutionary provisions for the entry into force of the treaty. We should try to avoid encountering the same difficulties we have faced with the CTBT, which unfortunately has yet to be brought into force.

(Mr. Chang, Republic of Korea)

In the meantime, considering the urgency of the need to curb the production of fissile materials, we urge all States with nuclear capabilities who have not yet voluntarily declared a moratorium on the production of fissile materials for weapons purposes to do so without delay. This would certainly be conducive to transparency and confidence-building among States.

In conclusion, it is my sincere hope that the focused discussions on the FMCT throughout this week, with the benefit of the participation of an array of experts from our capitals, will yield fruitful and constructive results and serve as a solid basis for our future deliberations.

The PRESIDENT: I thank the Ambassador of the Republic of Korea for his statement. I now give the floor to the representative of Argentina, Mr. Marcelo Valle Fonrouge.

Mr. VALLE FONROUGE (Argentina) (translated from Spanish): Mr. President, as I begin my brief four-paragraph statement, allow me first of all to congratulate you on your appointment as President of this Conference and say how pleased we are to see you presiding over our meetings. You may be sure that this delegation will support all your efforts at fulfilling this forum's mandate. We join in the kind words relating to the appointment of Ambassador Tim Caughley to head the disarmament department in Geneva.

For Argentina, efforts aimed at limiting the production of nuclear weapons are always welcome, and therefore it is clear that this delegation reaffirms its support for the conclusion of an international instrument that is non-discriminatory, multilateral and internationally and effectively verifiable on the prohibition of the production of fissile material for nuclear weapons and other explosive devices.

There is no doubt that the adoption of an instrument with these characteristics would help to strengthen the non-proliferation regime and constitute a practical step towards the progressive elimination of nuclear weapons, while maintaining the legitimate right of States to produce fissile material for peaceful uses - that is, it would guarantee the development of all technologies for the peaceful use of nuclear energy, in particular those aimed at acquiring the complete nuclear fuel cycle.

Argentina is of the view that this treaty should not be limited by the exclusion of materials, facilities or processes, as otherwise the ban on the production of fissile material for atomic weapons would be only a relative one. There are ways of avoiding the above-mentioned exclusions through a dynamic and graduated approach and the use of confidence-building measures.

Bearing in mind that whether or not stocks of nuclear materials are included would determine whether any agreement reached is a disarmament treaty or a non-proliferation treaty, we will be paying special attention this week to the discussions relating to the inclusion of stocks at some stage in these negotiations when they take place.

The PRESIDENT: I thank Mr. Valle Fonrouge of Argentina for his statement.

I am looking at the clock, which is ticking away rather quickly. I intend to give the floor to one more speaker. Then the list will be resumed tomorrow at 10 a.m. in this room during the formal plenary meeting. After this last speaker of today, I will make some announcements.

I now give the floor to the distinguished representative of Italy, Ambassador Carlo Trezza.

Mr. TREZZA (Italy): Mr. President, we look forward to the focused, structural debate on FMCT ahead of us and express our appreciation for your tireless efforts in preparation of this event. We also welcome our new colleagues who are participating in our work for the first time, Ambassador Millar of Australia, Ambassador Chang of the Republic of Korea, Ambassador Duncan of the United Kingdom, and we welcome the return among us of Ambassador Tim Caughley in his new capacity.

The European Union as well as many other countries have already expressed their general views on the FMCT in the previous sessions dedicated to nuclear disarmament. Italy was one of them. Indeed, an FMCT is an integral part of the nuclear disarmament/arms control process as well as of the non-proliferation process. It is a priority - or the priority - for many delegations. It is ripe for negotiation because of its advanced stage of preparation and because the concept of banning the production of fissile materials for weapons enjoys, we believe, a large consensus. Italy identifies fully with the EU statement on FMCT of 30 March of this year.

I shall not repeat today the arguments which make the negotiation of an FMCT the priority for us. We have reached a stage where we should go beyond the advocacy of a treaty and rather start exploring its main features. We welcome the fact that some delegations have included one or more experts in their delegations, and we appreciate the papers that have already been circulated. We have read some of them, and as a first preliminary comment we would underline the seriousness of the efforts made both by delegations and by experts. The documents highlight the complexity of the issue, its multifaceted nature and its direct impact on some fundamental security interests, and therefore the difficulty of our task. Agreeing on the "core business" of a treaty should be our first endeavour; definitions will be another fundamental part of the process. On that basis it will be possible, as indicated in one of the papers, to identify additional features of a treaty such as verifiability and scope. We are not starting from scratch: the international community has been working on these issues for many decades. The NPT, the relevance of which, as was mentioned by the Ambassador of Chile, is recognized universally even by countries not party to it, is therefore for us a fundamental term of reference. The excellent preparatory work done by the presidency, delegations, the secretariat and experts, as well as the precious experience matured within IAEA, will be key elements for our work.

For its part, Italy has included in its delegation an expert from our country, Professor Maurizio Martellini of the University of Como, and has already circulated two documents. The first concerns the general features of a treaty and is focused on the relevance of

(Mr. Trezza, Italy)

an FMCT in preventing nuclear terrorism. Several delegations today have mentioned the connections existing between FMCT and nuclear terrorism and the risks of a nuclear black market. We have taken good note of those statements. Our second paper is more specific and concerns the question of the entry into force of a possible treaty. Also on this issue some delegations have made remarks today.

We look forward to the discussions ahead, but we cannot expect this treaty to be the last word on nuclear disarmament, nor can we expect that it will solve existing regional problems connected with nuclear issues. The FMCT has a multilateral, global vocation rather than a regional one.

We look forward to the discussions ahead and we hope that the results of our deliberations will take the shape of a harmonious mosaic and not become an irresolvable puzzle.

The PRESIDENT: I thank the Ambassador of Italy for his statement, and as I said, let me stop giving the floor to other delegations that have been put on my list, taking into account the late hour. Let me assure them that they will have the opportunity, as we will resume our formal plenary meeting tomorrow at 10 o'clock sharp, sharper than today, hopefully.

Meanwhile, as I have informed you through the Coordinators of the respective groups, the schedule of meetings for the remainder of the week will be as follows. Tomorrow, in the morning, we shall talk about definitions and then scope in the afternoon. On 18 May, stocks and any other relevant topic. On Friday, 19 May, compliance and verification.

There seems to be agreement that each of these meetings will begin as a plenary meeting in order to allow delegations to make statements on FMCT, as well as on the suggested topics. Therefore, it is my intention to proceed accordingly. If necessary, the plenary meetings will be followed immediately by informal plenary meetings.

With regard to the focused, structured debates, with the participation of the experts, you are familiar with the suggestion that interventions made by experts on the specific sub-items should be immediately followed by a very short - about 10 minutes - session of questions and answers to clarify certain aspects contained in the presentations. So those 10 minutes are not the debate. It is just for clarification, perhaps because of a term used or a sheer misunderstanding. At the end of the presentations, delegations would have an opportunity to analyse and comment on the issues under discussion and also to draw conclusions if they so wish.

I would greatly appreciate it if delegations could indicate in advance their intention to speak, indicating if possible whether they want to take the floor in the formal or in the informal meetings. These requests are meant to help us to manage the time that we have in a more efficient way. What I as a President would certainly hate would be to be in a position where we have to cut short a debate because of lack of time.

(The President)

Another announcement I have to make is the following. Mexico, as Coordinator of the G21, has asked that we announce that members of the G21 are invited to meet this evening at around 6 p.m. in the Council chamber or immediately after this afternoon's seminar.

These were my announcements. Unless there is any delegation that would like to take the floor immediately on these matters - which does not seem to be the case - I declare this concludes this plenary meeting. I thank you and we will meet again tomorrow at 10 o'clock in this room.

The meeting rose at 12.55 p.m.