



Foreign &
Commonwealth
Office

Fissile Material Cut-Off Treaty

Office for Disarmament Affairs
United Nations
Geneva

Via email: fmct@unog.ch

16 May 2013

1. The Foreign and Commonwealth Office of the United Kingdom presents its compliments to the Office for Disarmament Affairs and has the honour to provide the following in response to your recent note verbale (reference: ODA/14-2013/FMCT) requesting views on a Fissile Material Cut-Off Treaty (FMCT).
2. The UK has had a moratorium in place on the production of fissile material for nuclear weapons or other nuclear explosive devices since 1995 and is committed to the pursuit of an international treaty that would put an end to the future production of fissile material for such purposes. In line with the commitment we made in the 2010 Nuclear Non-Proliferation Treaty action plan, the UK wishes to immediately begin negotiation within the Conference on Disarmament of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. To succeed such a treaty must be agreed on the basis of consensus and involve all the relevant parties. Having a verifiable treaty in place would represent a major step in taking forward the objectives of the Nuclear Non-Proliferation Treaty and be a significant step closer to our goal of a world without nuclear weapons.
3. The UK supported the resolution to create the FMCT Group of Government Experts (GGE) at the UN General Assembly First Committee in 2012. We look forward to a constructive GGE that will help to set some of the parameters for a FMCT, including the development of a solid technical framework to support key elements of the future treaty. We believe that the GGE will complement existing efforts to find a positive way forward in the Conference on Disarmament. The UK looks forward to participating in the GGE and believes that it should consider the precise scope of the treaty, the most appropriate verification arrangements, and the provisions governing the operation of the treaty itself.

Scope

4. The UK believes that the GGE can make a valuable contribution to identifying the potential scope of a future treaty. It can do this by considering:
 - (a) The definition of “fissile material” to be used by the treaty;
 - (b) How ‘production’ of fissile materials could best be defined; and
 - (c) Whether or not existing stocks of fissile material should be covered in some way.
5. The UK takes the view that a FMCT should focus on fissile materials that can be used directly to make nuclear weapons or other nuclear explosive devices. Recognising that different terms and definitions are used in different settings, the GGE can play an important role in helping build consensus around a shared definition of these materials. The UK believes that the key materials are:
 - Unirradiated plutonium of all grades (except that containing 80% or more ^{238}Pu); and
 - Unirradiated uranium enriched to 20% or greater in ^{235}U or ^{233}U , separately or in combination.
6. While the possible treatment of other relevant materials will be an important issue for the GGE to discuss, the UK believes that the treaty should focus on these two materials. It should not be limited to covering just “weapons grade” plutonium or “weapons grade” high enriched uranium.
7. The UK strongly believes that a FMCT should only seek to prohibit the production of new fissile material for use in nuclear weapons and other nuclear explosive devices. It should not seek to ban the production of new fissile material either for non-explosive military purposes or for civil purposes.
8. The GGE should explore how ‘production’ can most effectively be defined, perhaps in terms of key elements of the processes involved. The definition should aim to effectively capture the kinds of material that may be covered by the treaty while excluding those not intended to be covered, including materials used for peaceful applications. The definition will be key to the operation of the verification regime and it should seek to help ensure that verification does not unnecessarily impinge on other processes subject to existing verification regimes.
9. The UK recognises that some states would like to see existing stocks of fissile materials covered by the FMCT in some way. The Shannon Mandate recognises that the question of their inclusion is a legitimate issue for discussion during the future negotiation of a treaty. The UK believes that our shared first priority is the “cutting-off” of future production of fissile material for use in nuclear weapons and other nuclear explosive devices. It is the view of the UK that differences of opinion, and the technical complexity of the issue, would make it extremely difficult to reach agreement on the coverage of stocks under a FMCT that would be acceptable to all. There is a clear risk that attempting to do so would jeopardise the ability to deliver a ban on the future production of fissile material for nuclear weapons or other nuclear explosive devices, which is our priority. The UK believes that there are other approaches, including voluntary approaches, for dealing with existing stocks that are likely to be most

appropriate and that also offer the greatest likelihood of successfully agreeing a FMCT in the Conference on Disarmament.

Verification

10. Effective and proportionate verification will be critical to the success of a future FMCT and defining such a verification regime clearly will be essential. The GGE can make a valuable contribution to this by considering:
 - (a) The general approach for verification of the treaty;
 - (b) Which body or bodies would carry out the verification; and
 - (c) How verification arrangements are treated in the treaty itself.
11. The FMCT would need to contain provision for the declaration of production and downstream facilities based upon the agreed definition of 'production.' It would also need to establish arrangements to detect undeclared production and downstream facilities, or instances of non-compliance.
12. Effective verification would need to offer satisfactory assurance of detecting any diversion of fissile material for nuclear weapons and other nuclear explosive devices produced in declared facilities after the cut-off date and any undeclared production of fissile material at other facilities. The precise arrangements are rightly a subject for future negotiation, but the UK believes that the most effective and cost-effective approach may be to focus on the production and downstream use of fissile material until it reaches a defined threshold at which it could not be used in nuclear weapons or other nuclear explosive devices. The GGE could usefully explore how this threshold can most effectively be defined.
13. The routine FMCT verification regime will involve measures very similar to, if not identical to, safeguards measures applied by the IAEA. We envisage that they should, in general, involve the same standards as IAEA safeguards. It therefore follows that the IAEA would be the most suitable body to undertake routine verification of the implementation of a FMCT. The UK does not believe that the creation of a new body to undertake routine inspections is justified. It would risk duplicating the work of the IAEA, which has the required expertise and experience. The practicalities of the IAEA taking on such a role would, of course, need to be examined closely to minimise the burden on the IAEA and to ensure value for money.
14. A mechanism for non-routine monitoring and inspections will also be needed in order to be able to detect undeclared production facilities. The GGE could usefully explore what form they might take, as well as how they might be initiated and carried out, taking into account the need for proportionality and the need to protect sensitive information.
15. In structural terms, the UK believes that the treaty should set out a model which would form the basis for individual FMCT verification agreements between relevant states and the IAEA. Any such agreement would need to be consistent with existing arrangements under the Nuclear Non-Proliferation Treaty. This model within the treaty should set out

the key elements of verification and the minimum that each individual agreement must contain.

Standard provisions

16. The treaty will need to outline its entry-into-force requirements, its duration, and any arrangements for review, amendment and withdrawal. While its focus should be on making progress on the issues of substance surrounding a FMCT, the GGE could also helpfully explore and report on the options around each of these issues.

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