UNITED NATIONS GENERAL ASSEMBLY FIRST COMMITTEE

NUCLEAR WEAPONS (CLUSTER 1) DEBATE

STATEMENT BY ELISSA GOLBERG, CHAIR OF THE GROUP OF GOVERNMENTAL EXPERTS ON A TREATY BANNING THE PRODUCTION OF FISSILE MATERIAL FOR NUCLEAR WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES

[Introduction]

• Good evening, or should I say 'good morning', to you all. I would like to begin by thanking Ambassador van Oosterom, for his kind invitation for me to address the 70th UN General Assembly in order to "encourage a focused discussion on the outcomes of the Group of Governmental Experts, whose work was aimed at making recommendations on possible aspects that could contribute to, but not negotiate, a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". I am honoured to do so.

• I also wish to highlight the excellent collaboration of the UN Office of Disarmament Affairs, including its flexibility in arranging my virtual participation.

• My remarks today constitute my own impressions of the Group's work, and the GGE report, released by the Secretary General on June 17th, should be read on its own merits and in its entirety. Indeed, the true value of the GGE was in the depth and breadth of the Group's discussion, the key points of which experts sought to summarize in the body of the report itself.

• In the time I have today, I would like to focus on some of the key issues outlined by the GGE — in particular in relation to the dynamic correlation between a future treaty's scope, definitions, verification requirements, and associated legal obligations and institutional arrangements. The GGE recognized that no issue can be addressed— nor should be - in complete isolation from the others.

• For context Mr. Chairman, and to recall, at its sixty-seventh session, the UN General Assembly requested that the Secretary General establish the GGE. This was because the UNGA overwhelmingly believed the subject of a potential treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices remained vital to the global peace and security agenda, and that a GGE could help refine the current parameters of the discussion and encourage forward momentum. I believe the GGE fulfilled this mandate.

• Indeed, the GGE, which was comprised of a remarkable group of 25 experts identified on the basis of equitable geographic distribution, were committed to ensuring a serious, substantive discussion on a potential future treaty. To ensure a diversity of views, UNGA
resolution 67/53 established an unusually large GGE which met for four two-week sessions.

- At the outset of the GGE’s work in 2014, I challenged the experts to be open-minded and to pursue technical, fact-based discussions on the potential aspects of a future treaty, where no issue would be off the table.

- This approach guided our work throughout, and was a model of analysis and thoughtful dialogue in a multilateral context on difficult issues that go to the core of national and global security concerns. It effectively ensured we moved beyond the sterile discussions that have characterized debate on this treaty in the last few years and instead, identified substantive approaches to the likely treaty elements.

- As the GGE was not itself a negotiation, we did not need to reconcile the various perspectives on individual issues — instead however, we focused on ensuring critical issues were thoroughly considered to inform future efforts.

- The GGE report therefore aims to inform future treaty negotiators of the key issues they will need to address, and provides them with sign posts for consideration. For example, the report outlines considerable areas of convergence on key treaty aspects and also offers proposals on ways future negotiators they might address divergent perspectives. It also identifies issues where further technical/scientific and other work can be pursued, or where ancillary confidence-building measures and/or evolutionary clauses could be developed that may assist negotiations.

- Importantly for UNGA, there was a consensus in the GGE that a treaty should establish a legally binding, non-discriminatory, multilateral, and internationally and effectively verifiable ban on the production of fissile material for nuclear weapons or other explosive devices.

- There was also consensus that CD/1299 and the mandate contained therein (often referred to as the “Shannon Mandate”), remains the most suitable basis on which future negotiations should proceed in the Conference on Disarmament. The Group reaffirmed that, under this mandate, negotiators could raise for consideration all aspects of a treaty, including its scope.

**[Scope]**

- With respect to the scope of a future treaty, the group agreed that it should set out the basic obligations that States Parties would be required to meet, and that these should be laid out in the form of prohibited as opposed to permitted activities.
• Experts also discussed how the scope of a future treaty is closely linked to the general objectives it will seek to achieve, whether non-proliferation and/or disarmament in nature.

• The GGE made important headway by unpacking the hitherto contentious issue of so-called “stocks”, factually assessing whether, or to what extent, the scope of a future treaty should extend to fissile material produced by a State Party prior to its entry into force – and assessing the implications of doing so.

• Overall, it should be noted that the positions of experts on the scope of a treaty fell along a spectrum, from addressing future production to prevent an increase in the amount of fissile material available for use in nuclear weapons, to addressing different elements of past production of fissile material as defined in a treaty. This nuance is significant, notably as discussions until now have tended to mischaracterize the range of perspectives on this matter as polarized.

• Elements of past production identified and assessed by the group included civilian stocks, naval fuel, stocks assigned to nuclear weapons, and fissile material declared by a State as excess to its weapons needs.

• For me, this was one of the most significant outcomes of the GGE. Experts willingness to explore the range of different types of ‘past production’ on an otherwise sensitive topic, including a useful dialogue between Nuclear Weapons States and Non-Nuclear Weapon States, will go a long way toward helping negotiators bridge differences on the issue of scope.

• This evolution on the issue of past production and the methodology advanced by the GGE was already apparent in discussions that occurred this summer in the Conference on Disarmament, which is a positive development from a Chair’s perspective. I personally hope to see this dialogue continue here at First Committee and beyond.

[Definitions]

• On treaty definitions, GGE experts agreed such definitions would need to be practical, scientifically and technically accurate, and tailored to the specific objectives of the treaty. In other words, treaty definitions would need to be crafted in a manner that clarifies the obligations of the treaty while allowing for viable implementation and verification.

• With this in mind, our Group focused in technical detail on different options for a treaty’s definition of fissile material, fissile material production, and fissile material production
facilities and the various implications of each. This will provide a useful foundation for future negotiators.

- For instance, four different options were considered for the definition of fissile material. Some experts preferred a model based on Article XX of the IAEA Statute and its definition of 'special fissionable material'. Another group advocated in favour of the term 'un-irradiated direct use material' as defined in the IAEA Safeguards Glossary. There were a few experts who preferred a narrower approach to definitions, focusing only on weapons grade uranium and plutonium. Another did not believe that these three models captured all the relevant alternatives and cited the need to consider a 'dial-able' range of definitions options that could be adapted to the treaty's scope.

- A common thread across these definition models was the belief that highly enriched uranium and plutonium were the core materials that should be at the heart of treaty definitions, on the basis of their weapons applicability.

[Verification]

- Mr. Chairman, I believe that the GGE's detailed discussions on treaty verification have laid essential groundwork for the successful negotiation of a future treaty's verification regime. This was among the most compelling aspects of the GGE's work for me personally.

- The GGE reaffirmed that an FMCT must be internationally and effectively verifiable. To experts, this meant the treaty would deter and detect non-compliance in a timely manner, provide credible assurance that States Parties are complying with their treaty obligations, and guard against frivolous or abusive allegations of non-compliance.

- As a means to achieve this goal, there was broad agreement that the verification regime must especially guard against diversion risks and undeclared production and facilities.

- The Group also explored the verification implications of the different definitions proposed for fissile material and the implications of different functional categories of future and past production.

- The Group analyzed various approaches to verification including a focused approach where verification would largely target activities directly related to enrichment and reprocessing, and a comprehensive approach which would cover a broader range of upstream and downstream activities and facilities.

- There was agreement that a diverse verification toolbox should be created for the treaty, the core of which would be composed of existing verification approaches, tools and techniques currently employed in multilateral and bilateral forums. These, and other tools that could be developed specifically for the treaty, would enable the verification regime to provide credible assurance that States Parties were complying with their treaty obligations.
• The Group identified challenges to effective verification, including those relating to national security, non-proliferation and commercial proprietary concerns.

• It was clear to me that these verification challenges presented an area where the GGE had too little time, or was insufficiently specialized to fully address, and could benefit from further study before or during negotiation. I would highlight that many of these challenges are the same as those posed in broader nuclear disarmament verification, and work carried out in either context would have reciprocal benefits.

• In this regard, I am hopeful the US-led International Partnership for Nuclear Disarmament Verification (IPNDV) will usefully delve into some of the verification issues identified in the GGE’s report as needing further scientific and technical study.

[Legal and Institutional]

• Finally, I would like to note that the GGE explored questions related to the legal arrangements and institutional structure of a future treaty, which will be important for its ultimate credibility and effectiveness.

• Experts identified numerous factors negotiators will have to consider when designing legal and institutional provisions, including the importance of accounting for the experiences of existing international treaties and institutions, and the imperative to place a future treaty within the broader international security context.

• Against this backdrop, the GGE assessed and provided it’s perspectives on issues such as treaty governance structures, duration, withdrawal, entry into force and concerns regarding compliance.

[Conclusion]

• In conclusion Mr. Chairman, the GGE was established by UNGA to create a space where serious, substantive discussion on all possible elements of a treaty could occur, notably in the absence of negotiations having thus far commenced in the Conference on Disarmament, despite being the overwhelming will of UN member states for 20 years.

• This Group succeeded in its task, conducting a robust, fact-based assessment where no issue was off limits. The commitment to genuine dialogue apparent among its unique membership is a model for other multilateral nuclear non-proliferation and disarmament forums.

• The continued value of this treaty, one that remains a logical counterpoint to the Comprehensive Test Ban Treaty, has been amply demonstrated by the Group’s work.
We can only hope that the renewed interest and momentum generated by this GGE will translate into action and the commencement of negotiations without further delay.

- It is my hope that the GGE’s report will enjoy wide readership, foster greater understanding of the key issues at play, and assist in generating necessary momentum and political resolve necessary to bridge differences.

- While the Group’s discussions reinforced the expectation that negotiations of such a treaty will be complex and lengthy, it also demonstrated that there is nothing - nothing - substantive preventing the commencement of FMCT negotiations, and that positions are not as divergent as originally thought.

- The time is right for the CD to overcome its obstacles and get to work negotiating a treaty that will genuinely contribute to making practical progress towards achieving a world without nuclear weapons and on non-proliferation in all its aspects.

In view of this, I strongly encourage delegations to support the resolution being advanced by Canada on this subject at this session, which among other things welcomes the report of the GGE and urges the commencement of negotiations without delay in the Conference on Disarmament.

- Thank you once again Mr. Chairman, for allowing me the opportunity to provide an overview of the GGE's work. I hope it can positively contribute to the important deliberations taking place in the First Committee and in the CD. I wish you well in your work.