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A failure to launch: FMCT negotiations and the CD stalemate

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“Failure to launch” is perhaps the best way to describe the state of the proposed fissile material cut-off treaty (FMCT). Such a treaty would ban “the [further] production of fissile material for nuclear [weapons](#)” (p. ix), effectively freezing a state’s stockpile of weapons-grade nuclear material.

In 1994, the Conference on Disarmament (CD) appointed Canadian diplomat Gerald Shannon to gauge international support for fissile material limitations. He recommended the establishment of an ad hoc committee to discuss a ban on the production of fissile material for use in nuclear weapons and a treaty realizing this [goal](#) (pp. 6-7). In 1998, the CD created a working group on fissile materials, whose findings were then merged into a program of work to be implemented by CD states parties. However, when some states refused to accept this document, negotiations [stalled](#) (pp. 2-3). Since then, all efforts to advance FMCT talks have failed.

An FMCT is viewed by the international community as essential to the whole process of nuclear disarmament. In a 2015 statement, the [G7](#) affirmed: “We believe the next logical step to advance the multilateral nuclear disarmament and non-proliferation agenda is the negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices (FMCT).” Many of the most powerful and influential states value a step-by-step approach to nuclear disarmament. They insist

that the FMCT, along with a Comprehensive Test Ban Treaty, are the next key initiatives on this path. Thus, an inability to begin FMCT negotiations is a roadblock to further nuclear disarmament progress.

A body in disrepair

The Conference on Disarmament (CD) was established by the United Nations in 1979 as the primary international disarmament forum. CD members meet annually in Geneva, Switzerland to focus on some of the most challenging arms control and disarmament problems facing the international community. The forum’s [four main areas of work](#) are the elimination of world nuclear arsenals; negative security assurances, which are “arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons”; prevention of an arms race in outer space; and limiting the world supply of weapons-grade nuclear material.

Despite its critical mandate—and some early successes—for nearly two decades the CD’s 65 member states have been unable to conduct substantive negotiations on any core areas of work. Efforts to negotiate a fissile material cut-off treaty have stagnated.

The requirement of absolute consensus is one problem. The CD’s [rules of procedure](#) declare that “the Conference shall conduct its work and adopt its decisions by consensus”

(#18). The rule has been interpreted to mean that complete unanimity is needed to reach agreement on any issue under consideration. Any state can effectively veto any decision by voting no.

Since 2009, Pakistan has continually and deliberately disagreed with CD initiatives that have anything to do with the FMCT. In so doing, the state has stifled any discussion on the subject. The CD, due in large part to this opposition, cannot even agree on a program of work.

Pakistan has long argued that any such treaty would result in a permanent advantage for those states with larger stockpiles of fissile materials over those with smaller ones. It is particularly concerned about India's nuclear arsenal. In October 2008, the United States lifted controls that prevented the sale of nuclear material, equipment, and technology to India. The two countries then persuaded the 40-country Nuclear Suppliers Group (NSG) to do the same. [Zia Mian and A.H. Nayyar](#) point out that these agreements permitted India to import fissile material for peaceful uses, freeing up domestically produced fissile material for use in nuclear weapons. India thus has an advantage over nuclear rival Pakistan, which has no such agreements.

This imbalance influences Pakistan's position on the FMCT. [Zamir Akram](#), Pakistani ambassador to the CD explains, "In the time that we can, we need to enhance our own capabilities so that we have sufficient fissile material for what we would then feel is a credible second-strike capability, or credible deterrence capability. So that's one reason—that if we were to conclude such an agreement, that would deny us the possibility of ensuring that there is no gap between us and India."

Talks and a treaty agreement are two different things. Allowing the program of work to be adopted and negotiations to begin is not the same as a commitment to accept an FMCT. In theory, Pakistan could consent to exploratory negotiations on the FMCT without agreeing to a treaty. In fact, a discussion on an FMCT might give Pakistan an opportunity to express its concerns.

But Akram argues that "we are concerned that the negotiations that are being envisaged right now will be concluded in a way that the major powers want." Pakistan considers the FMCT an outgrowth of foreign policies that favour India's nuclear program. Thus, the last thing Pakistan wants to do is to enter into talks on an agreement that is seemingly stacked against it.

Canadian-led innovation and international frustration

Paul [Meyer](#), a former Canadian Ambassador to the CD, recounts that Canadian officials were faced with a challenge: "how to advance the goal of an FMCT in some practical manner while retaining maximum support for declaratory policy in favour of a treaty." Canada searched for a means of furthering the FMCT that promoted consensus while still permitting negotiation of a binding treaty.

In December 2012, Canada sponsored United Nations General Assembly resolution [67/53](#), voicing frustration over the lack of progress at the CD. The resolution importantly recommended that the UN Secretary-General establish a group of governmental experts from 25 states to "make 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." When this proposal was not immediately put into action, murmurs of frustration mounted. UN Secretary-General [Ban Ki-moon](#) even publically issued a statement: "It is essential to end this continued stalemate to avoid jeopardizing the credibility of the conference and the machinery of disarmament."

In September 2013, Canadian Minister of State (Foreign Affairs and Consular) Lynne [Yelich](#) lamented, "The UN disarmament machinery remains stuck in the past, dysfunctional and unable to advance the multilateral norm-building process, let alone negotiate and agree to binding treaties." She added, "Despite the willingness of many states to take difficult decisions to reach consensus and return the CD to substantive work,

as long as even one state remains unwilling to engage constructively and in the spirit of compromise, the CD will remain deadlocked.” Canada, like other states, desired an FMCT but was concerned that the current negotiating body was not functioning.

Can the logjam be broken?

Only in October 2013 did the UN follow through on Canada’s idea of forming the Group of Governmental Experts (GGE). This body met for two two-week sessions in 2014 and 2015 and then issued a report. Canadian Ambassador to the CD Elissa Golberg chaired the body and helped write its final document. The report acknowledges that the group was formed as a discussion forum “in the absence” of negotiations in the CD. However, it confirms that the CD is the best venue for future [negotiations](#) (pp. 3, 7, 10).

Canadian leadership of the GGE demonstrates that Canada is not prepared to sit idly by while the CD remains stalled. On the contrary, Canada has taken measures to bring about meaningful negotiations within this body.

The GGE has also received support from the United States. U.S. Special Representative to the CD Laura E. [Kennedy](#) emphasized that this body “could complement CD efforts to make progress on FMCT in a manner that the CD can—we hope—take up.” The GGE received

U.S. approval precisely because it was an effort at moving fissile material talks forward without abandoning the CD.

Though generally welcomed, the GGE process has no mandate to negotiate and so has not muted expressions of frustration from the many states that want an FMCT. The U.S. [Special Representative to the CD](#) lamented in 2014: “The CD remains in deadlock, unable to agree on a Program of Work that takes us forward and puts us on a path toward FMCT negotiations.” In 2015 [South Africa](#) also expressed disappointment at the CD’s inability to start negotiating a treaty on fissile materials. States ranging from a developing African nation to a global superpower have determined that FMCT talks, despite recent efforts, are still stalled by the impasse in the CD.

If the international community is still committed to the CD, but frustrated by its lack of progress, where does this leave international FMCT efforts? It does not seem that the international community has advanced since the Shannon Report was published. The CD has a mandate to conduct fissile material limitation talks, but lacks consensus to begin meaningful negotiations. Such a situation is a setback for Canada and other states that consider an FMCT an important next step on the path to nuclear disarmament.

A new approach is needed. Can Canada again provide leadership?

Project Ploughshares works with churches, governments, and civil society, in Canada and abroad, to advance policies and actions that prevent war and armed violence and build peace. Founded in 1976, Project Ploughshares is the peace centre of The Canadian Council of Churches and associated with the MSCU Centre for Peace Advancement at Conrad Grebel University College, University of Waterloo.

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