

**Informal Consultative Meeting by the Chairperson of the
High-level FMCT Expert Preparatory Group
(New York, 2-3 March 2017)**

General Statement by Pakistan Delegation

Madam Chairperson,

We thank UN high representative for disarmament affairs, Mr. Kim Won-soo for his statement. We also thank you, Madam Chair, and the distinguished representatives of Germany and the Netherlands for your introductory remarks.

As you are aware, Pakistan voted against UNGA resolution 71/259 entitled “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.” Pakistan did not participate in the Group of Governmental Experts (GGE) on FMCT that worked during 2014-15 and will not participate in the 25-member High Level FMCT Expert Preparatory Group that is being established pursuant to this resolution. Pakistan is participating in this informal meeting today to elaborate on the rationale behind our position. Our participation in this forum today and tomorrow should not in any way be seen as an endorsement of the UNGA resolution 71/259, nor of the work of the previous GGE and its report, or of the new expert group that is being established. We look forward to an interactive discussion in this open-ended format in the hope of developing a better mutual understanding among all stakeholders.

Madam Chairperson,

Pakistan is a peace loving country that desires to live in peace and harmony with all its neighbours, in order to concentrate on the socio-economic development of its people. Pakistan, unfortunately, had to face three major wars within the first 25 years of its existence. Facing overwhelming conventional military dominance, and the failure of the international community either to resolve the underlying disputes or to guarantee the security and inviolability of our borders, Pakistan was left with no option, but to develop a nuclear deterrence capability in the interest of maintaining peace and stability in South Asia.

Pakistan has always remained an ardent supporter of non-proliferation and disarmament measures that are aimed at ensuring equal and undiminished security for all states. This is a recognized principle of the 1978 First Special Session of the UNGA on nuclear disarmament (SSOD-I). The final document of SSOD-I states that, in the adoption of disarmament measures, the right of each state to security should be kept in mind and at each stage of the disarmament process the objective should be undiminished security at the lowest possible level of armaments and military forces. Any arms control, non-proliferation or disarmament treaty

that does not meet this principle would be a non-starter – as evidenced by the failure of the FMCT negotiations to kick off. No country can be expected to enter into negotiations on a treaty that would be detrimental to its national security.

Madam Chairperson,

Pakistan believes that a treaty which only results in a cut-off in the production of fissile material, as envisaged under the Shannon Mandate, would jeopardize our security, unless it addresses the vast asymmetries in existing stocks of fissile material. A cut-off only treaty would freeze the status quo to our permanent disadvantage and negatively affect strategic stability in South Asia. The situation has been further compounded by the exercise of double standards in the application of non-proliferation norms for the sake of political expediency and economic benefits. It is manifest in the conclusion of discriminatory bilateral civil nuclear cooperation agreements, the grant of inequitable waivers, and the continued pursuit of the creation of additional country-specific exceptions in the non-proliferation and multilateral export control regimes. These discriminatory measures endanger regional strategic stability in South Asia.

For Pakistan, a treaty on fissile material is not an academic exercise. It concerns our vital security interests. Among the states that possess nuclear weapons, most have either announced unilateral moratorium on the production of fissile material or attained a level of comfort through continued national production and the conclusion of special arrangements. It is only after amassing tons of fissile material, far in excess of any foreseeable defence need, that they were converted to the cause of FMCT. Unlike Pakistan, FMCT is a completely cost-free exercise for them. A cutoff treaty would not involve any significant obligation for these states.

Also, for the vast majority of countries, that are non-nuclear weapon states parties to the NPT, an FMCT would not entail any new obligation. Their priorities clearly lie in making progress on nuclear disarmament, negative security assurances, prevention of an arms race in outer space and other contemporary security issues - and not in the creation of yet another non-proliferation instrument such as a fissile material cutoff treaty. As we have heard from many of these states today, an FMCT without stocks would not bring much added value to the cause of disarmament.

Madam Chairperson,

Pakistan stands ready to consider a treaty on fissile material that covers existing stocks or past production. We believe that such a treaty would be in our interest, as it would address our insecurities arising from the asymmetries in national fissile material holdings. Pakistan has put forward a detailed Working Paper on capturing the existing stocks in the

treaty's scope in a practical and meaningful manner. We can elaborate on it further during the next sessions.

The Shannon Mandate, contained in document CD/1299, does not guarantee the inclusion of existing stocks in the treaty's scope. And from what we have repeatedly heard from the other nuclear weapons possessing states, this is precisely their preference. Without prejudice to our position on the GGE's report, I would like to draw attention to a sentence from its paragraph 22, I quote "Some experts noted that their understanding of General Assembly resolution 48/75L and document CD/1299 precluded the inclusion of past production in a treaty's scope." Unquote

These states clearly only want a treaty that prohibits future production and leaves the existing stocks untouched - and not just as a matter of their national preference, but based on their interpretation of what in their view is a multilaterally agreed upon negotiating mandate. Pakistan, therefore, cannot join any discussion, pre-negotiation, negotiation or preparatory work on the basis of the Shannon Mandate, such as the one undertaken by the previous GGE and envisaged for the current High-Level FMCT Expert Preparatory Group.

The Shannon Mandate has outlived its utility and validity as the basis for substantive work on a fissile material treaty. Its inadequacy in dealing with existing stocks is the primary, but not the only reason for Pakistan's decision against participation in the High-Level FMCT Expert Preparatory Group. I would briefly outline the other reasons:

One, The CD was established by SSOD-I as the single multilateral disarmament negotiating forum. Its role should not be undermined through UNGA led non-universal processes that are divisive and not agreed by consensus.

Two, the discussion mandate assigned to the Expert Group can be fulfilled in the CD. This fact was amply demonstrated during the informal discussions on fissile materials in the CD, held under the Schedule of Activities in 2014 and 2015. Those discussions were held in a representative body with the participation of all stakeholders, thus having greater relevance and legitimacy. The Expert Group will simply duplicate the CD's work in a non-inclusive body, without bringing any real added value to this issue.

Three, while the Expert Group will work on so-called technical issues and try to make recommendations on possible elements of a future treaty, it cannot address the underlying security concerns that are preventing the CD from reaching consensus on a balanced and comprehensive Programme of Work. The Expert Group is not in tune with ground realities and hence cannot contribute towards ending the CD's deadlock arising from national security concerns. It will distract

us from finding consensus solutions in the CD by providing false sense of progress, and that too only on one issue of the CD's agenda.

Four, given Pakistan's absence, all nuclear weapons possessing states will not be represented in the Expert Group. Since these states are direct stakeholders, the work of this Group will remain incomplete without their participation.

Five, while Pakistan is not going to take part in the Expert Group, there are several other CD members with significant nuclear capabilities that will also be excluded from it. These states have an important stake in the treaty and cannot be expected to endorse the Expert Group's outcome without taking part in its deliberations. These informal consultations cannot be a substitute for their full participation in the substantive work on a fissile material treaty.

Six, even if the selected 25 members of the Expert Group succeed in garnering consensus among themselves on a treaty related issue, it would not be binding on those states that are not represented in the Group.

Madam Chairperson,

A universally acceptable fissile material treaty would have to avoid discrimination between the different nuclear weapons possessing states. There should be no preferential treatment for any country in terms of existing stocks. The treaty should lead to equal and undiminished security for all states.

In order to be effective, the treaty should be free of any loopholes by encompassing all types of fissile materials that can be used in nuclear weapons. The treaty should provide a robust verification mechanism entrusted to a representative and independent treaty body. The treaty should promote both regional and global strategic stability. It should not affect the inalienable right of all states to use nuclear energy for peaceful purposes. However, it should include effective verification measures to safeguard against any diversion for prohibited purposes.

The treaty should be negotiated in the CD which is the single multilateral disarmament negotiating forum. The CD strictly operates under the consensus rule to allow each member state to safeguard its vital security interests. A treaty that is negotiated outside this body will lack legitimacy and ownership. Same is the case for any pseudo progress that might be achieved through an Expert Group.

Madam Chairperson,

The so-called “consensus” report of the previous GGE revealed the divergent positions on almost all elements of the treaty among the 25 selected experts. No amount of glossing over could hide the differing views, and not just on scope, but also on principles, objectives, definitions, verification and entry into force, etc. It showed that creative drafting cannot conceal major divergences.

Without any change in the ground realities, the Expert Group being established now will meet the same fate. Its terms of reference will not allow it to address the fundamental issues that are bedeviling the start of FMT negotiations. Pakistan, therefore, will not be in a position to accept any conclusion or recommendation produced by the Expert Group including any attempt to force its report as the basis for further consideration of the fissile material issue by the CD.

It is high time to realise that progress on FMCT, and the other CD related issues, can neither be achieved by changing the format or forum, nor by imposing solutions that exclude the views of major stakeholders. Real progress can only be made by exercising genuine political will to address the security concerns of those states that are opposing the start of negotiations on a treaty that effectively ignores the issue of stocks. It needs to be viewed in the broader security and strategic context.

A true breakthrough on a fissile material treaty can only be achieved through a genuinely cooperative effort among all stakeholders, while respecting their respective national security concerns. We have to give serious consideration to the upfront and explicit inclusion of existing stocks in the treaty’s scope and negotiating mandate. We also need to reconsider the negative effects on the treaty’s prospects generated by misguided policies of selectivity, discrimination and double standards driven by motives of strategic and commercial gains.

Madam Chairperson,

We shall elaborate on other specific treaty related issues during the next sessions today and tomorrow. We will provide you with a copy of our statements and request you to kindly duly reflect our views in your summary of these open-ended consultations. We hope that the participants of this meetings will be able to see your final Summary and comment upon it before it is formally issued.

I thank you.