Austria would like to offer the following comments in reply to the request submitted by the United Nations Office for Disarmament Affairs in its letter ref. ODA/14-2013/FMCT of 31 January 2013 concerning resolution 67/53 entitled “Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices” (hereafter also called the “Treaty”):

1) General comments

In general, Austria agrees that the conclusion of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is urgent and important. It would be an important security enhancing and confidence building measure that would strengthen the nuclear non-proliferation regime and be a step towards nuclear disarmament and the achievement of a world without nuclear weapons. Such a treaty should be non-discriminatory, multilateral and internationally and effectively verifiable. It could be part of a comprehensive approach to nuclear disarmament that still needs to be agreed upon. However, from the Austrian point of view, its adoption would not be contingent upon prior agreement on the comprehensive framework.

Confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. National security concerns, while legitimate, should also not delay negotiations, but they can and should be addressed as part of the negotiation process rather than as a prerequisite, while existing unilateral moratoria on the production of fissile material should be maintained. Austria is also of the view, that states willing to negotiate an FMCT should commence these negotiations even if not all states with fissile material for nuclear weapons would be participating at the beginning.

Austria is concerned about the delay of (even) initiating negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in particular, as some states have significantly increased their stockpiles of weapons-grade nuclear material. In light of this, Austria is of the view that the Treaty would have to include and address the issue of existing stockpiles in its scope. Failing that, the Treaty would likely not be considered as a valid nuclear disarmament measure.

2) Substance of the Treaty

A number of discussions, both at political as well as at technical level, have taken place on the question of the substance to be included in the Treaty. Drafts of a treaty exist, various options exist. The following would seem to constitute the essential elements from the current Austrian point of view:

i) Scope and objectives of the Treaty

Apart from a number of basic cut-off, non-proliferation, arms control, transparency and irreversibility undertakings of the State Parties, the Treaty should contain provisions regarding
existing stocks of fissile material in order to underscore the character as a disarmament measure. This would also impact on the nature and scope of the verification measures needed.

ii) Definitions for the Treaty

Starting from the existing IAEA definition of “nuclear material” for safeguards purposes would seem the obvious approach to define “fissile material” for the purposes of the Treaty. The preparations for the Treaty could be used to review the current definition in view of possible new “fissile material” in potential future use.

Furthermore, definitions would be needed for: “to produce fissile material”, “stocks” and “production facility”.

iii) Verification of the Treaty obligations

Given that the current IAEA system of comprehensive safeguards is applied in many countries in the world, it would be the natural starting point for verification under the Treaty. The verification objectives would thus be the detection of diversion of fissile material and the verification of the correctness and completeness of the reports submitted by States. For practical and cost-efficiency reasons, an expansion of the IAEA verification work to include FMCT specific verification measures could be considered. There should be the flexibility to adapt verification measures over time when needed.

3) Format of the Treaty

The choice of the format of the Treaty should allow for its speedy entry into force, implementation and universalization. Various options exist, such as a single treaty or a framework convention with protocols.