**French contribution to the UNSG report on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (Fissile Material Cut-Off Treaty, FMCT)**

The negotiation, at the Conference on Disarmament, of a Fissile Material Cut-Off Treaty (FMCT) has long been a commitment of the international community, particularly highlighted in the Outcome Document of the Nuclear Non-Proliferation Treaty (NPT) Review Conference of 1995. It was recently reaffirmed in United Nations Security Council Resolution 1887 and Action 15 of the 2010 NPT Review Conference Outcome Document. The immediate launch of these negotiations, based on the 1995 report by the Special Coordinator (CD/1299) is a priority for France.

France therefore supported Resolution 67/53, which was adopted by the United Nations General Assembly on 4 January 2013, which for example provides for the creation by the Secretary-General of a “group of governmental experts with a membership of twenty-five States chosen on the basis of equitable geographical representation, which, taking into account the report containing the views of Member States, will 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 on the basis of document CD/1299 and the mandate contained therein, which will operate on the basis of consensus, without prejudice to national positions in future negotiations and which will meet in Geneva for two sessions of two weeks in 2014 and in 2015”.

France considers this resolution to be a useful contribution to discussions with a view to preparing the future negotiation of a legally binding international instrument.

**I. Goal of a FMCT**

The goal of a FMCT is to contribute to nuclear disarmament, in accordance with Article VI of the NPT, by quantitatively limiting arsenals through stopping the production of fissile material for manufacture of weapons. The negotiation of a legally binding international instrument in this field is the next logical step to creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT in the framework of a realistic approach based on gradual concrete gestures.

For this reason, the negotiation itself of a FMCT, to be credible, only makes sense if it includes all countries which currently possess nuclear weapons, in the framework of a forum based on the rule of consensus, in order to ensure that the security interests of all parties are taken into account.

The FMCT supplements the Comprehensive Nuclear Test-Ban Treaty (CTBT) which, by banning all nuclear weapons test explosions and all other nuclear explosions, constrains the development and qualitative improvement of nuclear weapons and ends
the development of advanced new types of nuclear weapons. The FMCT and CTBT should therefore help quantitatively and qualitatively limit nuclear arsenals, which is an essential step for continued international disarmament efforts.

Like the CTBT, the FMCT should be a universal treaty. Because the objective of the FMCT is to contribute to nuclear disarmament and arms control, it appears essential that all countries currently possessing nuclear arsenals should accede to the future treaty and participate fully in its implementation. Regarding non-nuclear-weapons-States Parties to the NPT, and insofar as the FMCT does not primarily aim to combat nuclear proliferation, it should involve no additional obligation for these countries.

Until a FMCT enters into force, France calls on all States concerned to declare an immediate moratorium on producing weapons grade fissile material, as it has already done itself.

II. Scope of a FMCT

The scope of the FMCT is determined by the desired goal, which is a ban, starting from a date set by the treaty, on the production of fissile material for nuclear weapons. As a FMCT covers the production of this fissile material, the corresponding pre-existing stocks are by definition excluded from the treaty's scope.

The implementation of the treaty should cover only materials and facilities which could truly allow a diversion from the desired goal:

- The treaty should therefore cover only unirradiated fissile material which could be used directly to manufacture nuclear weapons, in line with the definitions of the International Atomic Energy Agency (IAEA).

- Production should be defined so as to cover the process by which fissile material which is directly useable for arms manufacture can be created, ie. isotopic enrichment of uranium-235 and chemical separation of plutonium and uranium-233 from irradiated fuels.

- Consequently, the production facilities concerned are all facilities reprocessing irradiated nuclear materials and all those enriching uranium whose production capacities are significant as regards the goal of a FMCT.

Precise prior identification of materials and facilities which could truly be used to circumvent the desired goal is all the more necessary as it can guarantee at the same time that the implementation costs of the treaty remain economically reasonable, in the fiscal context which is currently very constrained for many countries.
The treaty should not however ban the production of fissile material for any civil purpose whatsoever, or for non-explosive military purposes such as nuclear propulsion.

III. Principles of a credible verification regime

The implementation of a FMCT cannot be separated from the establishment of a credible verification regime providing sufficient assurances regarding compliance with treaty obligations.

The verification of treaty obligations is part of the framework of an arms control and nuclear disarmament contribution initiative. It should be carried out conclusively in line with two basic principles: protect national security interests and prevent transfer of confidential information on nuclear weapons, in accordance with the obligations of nuclear-weapon-States under Article I of the NPT.

Given the above, a verification regime should meet three main goals if it is to be credible:

a. Certify the shutdown of dedicated means of production until their dismantling or conversion for civilian purposes

The central obligation of a FMCT is the shutdown of facilities for production of fissile material for weapons. To be effective and credible, this measure should be followed by irreversible dismantling, as implemented by France (see Annex) or by verified conversion for civilian purposes.

The first stage of implementing the treaty should therefore involve an exhaustive declaration of facilities to produce fissile material for weapons, ie. facilities for enriching and reprocessing, as defined by the treaty. This declaration should be followed by shutdown of production, which should be verified until irreversible dismantling of the facility has been reported.

In cases where these means of production are converted for civilian applications, monitoring of these facilities should be carried out by the IAEA in the framework of application of safeguards.

b. Prevent the diversion of fissile material from civilian activities

A FMCT does not ban the production of fissile material for civilian purposes, but does involve certifying that these are not diverted for use in nuclear weapons.
This goal corresponds to that of IAEA safeguards. The facilities concerned are those used to enrich uranium and to reprocess spent fuel. Moreover, the certification of non-diversion of fissile material produced in these facilities and falling within the scope of the treaty should involve a mechanism to monitor their civilian end use.

In addition to the irreversible dismantling of means of production dedicated to weapons production purposes or their verified conversion for civilian purposes, the submission of uranium enrichment and spent fuel reprocessing facilities used for civilian activities to the IAEA's international verification is an essential component of the credibility of the treaty's verification regime.

c. Handling presumed activities prohibited by the treaty

The need to protect confidential information in the light of the non-proliferation obligations of nuclear-weapon-States under Article I of the NPT requires the setting up of specific procedures, such as managed access or the definition of black boxes on the most sensitive defence facilities. The possibility of an ad hoc inspection facility to verify defence facilities will have to be examined.

A system of challenge inspections with specific implementing procedures could be proposed in case of founded suspicions of clandestine activities. The activation of the inspection procedure would have to be regulated, perhaps modelled on the “consultation clarification” procedure provided for by the CTBT.

IV. Diplomatic provisions

France marks its preference for the conclusion of a treaty of unlimited duration, which is an important step with a view to creating the conditions for a world without nuclear weapons in line with the goals of the NPT.

FMCT implementation would be followed up by a conference of States Parties meeting at set intervals.

The FMCT should also provide for a system to effectively sanction violations, including through referral to the United Nations Security Council.

The FMCT should include a withdrawal provision in case of serious circumstances, in accordance with international treaty law, while ensuring that conditions are strictly defined in order to avoid any abusive exercise of this right. The FMCT could also include a provision recalling that withdrawing States remain responsible for treaty violations committed prior to withdrawal.
Annex: France’s action in support of a FMCT
Dismantling of production facilities for fissile materials for nuclear weapons

The irreversible dismantling of former facilities for the production of fissile materials for nuclear weapons is an important measure to build confidence and credibility which should be included in the FMCT. An alternative can be the – effectively verified – conversion of these facilities for civilian use.

France is the only State to have irreversibly closed and dismantled all its facilities for production of fissile materials for nuclear weapons.

➢ Production shutdown

France ceased to produce fissile material for its nuclear weapons in 1992 (plutonium) and in 1996 (highly enriched uranium). In 1996, it announced a moratorium on the production of these materials. At the same time, France decided to undertake the dismantling of the corresponding facilities.

➢ Production facilities

• Highly enriched uranium: Pierrelatte uranium enrichment plant, which operated 1964-1996
• Plutonium: from plutonium-generating reactors G1, G2 and G3 at Marcoule (1956-1984), then separated at the Marcoule UP1 reprocessing facility, which started in 1958 and was shut down in 1997.

➢ Dismantling of facilities

The dismantling programme was launched immediately after the shutdown of production. This dismantling is irreversible. This was a considerable effort in terms of financial commitment and a challenge in terms of implementation and expertise.

➢ Milestones and key figures of dismantling

• €6 billion in total
• Pierrelatte: 6 years preparation; work commenced in 2002; completion by end of 2010; 4,000 diffusers; 1,330 tonnes of diffusion barriers; 1,200 km of pipework and 20,000 tonnes of very low level radioactive waste;
• Marcoule: 1st phase of the cleanup and dismantling of G1, G2 and G3 completed; 4,000 tonnes of metallic waste evacuated to the “Aube very low level radioactive
waste repository”; 2nd phase scheduled from 2020 to 2035; dismantling of the UP1 plant started in 1997, completion forecast in 2035.

➢ Transparency and international commitment

France has organized several visits to its facilities for representatives of more than 40 member States of the Conference on Disarmament, non-governmental experts and international journalists. France is the only nuclear-weapon-State to have opened the doors of its former production facilities for weapons-grade fissile material to the international community.

➢ Proposals for immediate action

France welcomes the fact that the action plan adopted by the 2010 NPT Review Conference, calls, as promoted by France and its European partners, for:
• the opening without delay of negotiations for a treaty banning the production of fissile materials for nuclear weapons; and
• the dismantling by all States concerned of their dedicated production facilities or their conversion for civilian purposes.

Along with its European partners, France continues to promote the immediate establishment of a moratorium on the production of weapons-grade fissile materials.