The Netherlands’ views on a Fissile Material Cut-off Treaty

The Netherlands regards a Fissile Material Cut-off Treaty (FMCT) or Fissile Material Treaty (FMT) as an indispensable step towards a world free of nuclear weapons. We deeply regret that so far the Conference on Disarmament (CD) has not been able to start negotiations on an FMCT. In the absence of agreement in the CD, we welcome the General Assembly’s adoption by a large majority of Resolution 67/53 on canvassing states’ views and subsequently establishing a Group of Governmental Experts (GGE). The Netherlands worked actively to promote this resolution. We are fully committed to helping in any way we can to further a successful outcome of the GGE. The ultimate aim is to realize the early start and conclusion of negotiations on an FMCT.

The Netherlands and an FMCT

The Netherlands is a long-time, active supporter of an FMCT. At the 2nd NPT Preparatory Committee meeting in Geneva we organised a side event on an FMCT with the International Panel on Fissile Material (IPFM). We actively support (and help fund) the IPFM’s activities. We also joined with other states in 2009 to submit a draft FMCT, which the IPFM forwarded to the CD as a contribution to the discussion. Together with Germany, last year in Geneva we organised scientific expert meetings on an FMCT, open to all UN members. The aim of these meetings was to identify possibilities and challenges for future negotiations and to ensure continued attention to negotiations for an FMCT, despite the deadlock in the CD. At present, we are considering a follow-up to these meetings, and are willing to make resources available for this purpose.

Furthermore, we have considerable experience with safeguarding and verifying nuclear activities. We actively support the International Atomic Energy Agency (IAEA) to this end. The Netherlands has a substantial peaceful nuclear industry, which covers a large part of the nuclear fuel cycle – including technologies such as enrichment. This has given us a broad range of hands-on and practical experience and know-how with the implementation of safeguards in this field, for example with regard to ‘managed access’ to facilities. We have a long tradition of cooperation between government and our scientific and industrial communities. We are also actively working on enhancing nuclear security. In 2014 the Netherlands will host the Nuclear Security Summit (NSS), which government officials and representatives of science and industry are cooperating closely to prepare.

Aspects of an FMCT

In the Netherlands’ view, an FMCT could include the following basic elements:

- a ban on producing fissile material for nuclear weapons or other nuclear explosive devices. The IAEA definitions of fissile material could be used;

- a ban on acquiring fissile material for nuclear weapons or other nuclear explosive devices and on transferring it to third countries;

- a ban on converting fissile material for civilian purposes for use in nuclear weapons or other nuclear explosive devices;
- a requirement that each state party disable, decommission and where feasible dismantle its fissile material production facilities for nuclear weapons or other nuclear explosive devices, or reconfigure these facilities and use them only for the production of fissile material for non-explosive purposes;

- verification and reporting measures (see in more detail below).

**Scope**

There are many different views on what the scope of an FMCT should be. Some argue that an FMCT should only stop the production of new fissile material for military purposes in a verifiable way. Others add that pre-existing highly enriched fissile material stocks should also be part of the scope of an FMCT so that that material will not be used in nuclear weapons or other nuclear explosive devices. Still others have another interpretation of what should be included in the scope.

The use of highly enriched fissile material for naval propulsion is an issue that should be addressed as well. The Netherlands would prefer naval fuel to be subject to a verification regime. The possibility of using only low enriched uranium for naval propulsion and gradually phasing out the use of highly enriched uranium as fuel should be considered.

The Netherlands would like to be ambitious, but we are aware of the different points of view regarding a treaty’s scope. We therefore aim to work towards a compromise. One idea that could be explored is the possibility of dealing with pre-existing stocks in a separate protocol. Other elements of a compromise could include voluntary measures and political declarations.

**Verification and reporting**

An FMCT should contain provisions on an effective verification mechanism for a ban on the production of fissile material for nuclear weapons and other nuclear explosive devices. In the Netherlands’ view, it would be logical to task the IAEA with verifying the obligations of state parties under an FMCT, as this agency is the organisation with the most capacity and international experience on nuclear safeguards. In practice, such an extended safeguards regime would mainly affect states possessing nuclear weapons, as the majority of NPT non-nuclear weapon states have already concluded Comprehensive Safeguards Agreements and Additional Protocols with the IAEA.

Verification should focus chiefly on existing and former military fissile material production facilities. Preferably states possessing nuclear weapons should join the IAEA safeguards regime for their entire nuclear fuel cycle. Access to military facilities could be managed by provisions similar to the ‘managed access’ clauses currently used to prevent sensitive commercial information from being disclosed during inspections of civilian nuclear fuel cycle processes.

The possibility of placing pre-existing stocks of highly enriched fissile material under a verification regime should be discussed in this framework.

**Other issues concerning an FMCT**

Other issues that should be addressed with regard to an FMCT are:
- **Transparency.** One issue that has to be prominently addressed is transparency. Transparency should be both the result of an FMCT and an important building block towards an FMCT.

Transparency provisions could be part of an FMCT verification regime, as states will have to become more transparent about their fissile material production processes. Such provisions would build confidence. They could serve as baseline data and as a basis for other verification measures in the context of disarmament.

States possessing nuclear weapons can enhance transparency now by reporting more openly about their warhead and fissile material stocks. In line with Action 16 of the 2010 NPT action plan, the nuclear-weapon states should declare and place under IAEA safeguards all plutonium and HEU that is in civilian use, has been recovered from their excess weapons or nuclear weapons complex, has been declared excess for weapon purposes, and/or is being disposed of as waste.

- **Costs.** Verification could be costly, depending on the verification methods chosen in an FMCT. The question arises who will have to pay for this: all states, or just states that are subject to verification measures, perhaps through the IAEA? As we know from other treaties, this could be one of the more challenging issues to reach agreement on, especially in view of states’ present budgetary constraints.

- **Entry into force.** A final issue that should be addressed is an FMCT’s entry into force. One lesson learned from the CTBT’s entry into force is that using a qualitative threshold can be problematic and should thus be avoided. It provides some states with a de facto veto and may unnecessarily delay entry into force. At the same time it is clear that an FMCT will only be effective if at least a significant number of nuclear-weapon states are party to it. Addressing this dilemma may be a challenge.

**GGE process**

In our view the GGE should identify all relevant issues to be addressed in an FMCT, pinpoint the challenges and focus on finding common ground. A great deal of work has been done in recent years, notably at a number of events in the margins of the CD. We should identify the points on which consensus could be easily reached. At the same time, we should describe the range of existing views and perhaps sketch the outlines of possible compromises on the more difficult questions, like the issue of stocks or the substance of the verification provisions. In short, we should put everything on the table and see where progress is possible.

The outcome of the GGE could be a report to the Secretary-General and the CD, including an overview of issues on which agreement may be within reach and of others that are more challenging. It could also include some thoughts on possible ways to overcome the existing differences. We should discuss the alternatives of striving for a comprehensive approach – one treaty dealing with all the issues – or of working instead towards a main/core treaty with separate protocols on issues like stocks.

One idea might be to establish a committee of scientific experts to work on more technical issues and advise the negotiators before or during negotiations – a model that was used during the CWC negotiations. Achieving clarity before the start of negotiations on what a verification regime would
look like could give the negotiators more confidence in their states’ ability to keep the intrusiveness of verification within acceptable limits and to safeguard classified information.

We believe that the Shannon mandate is a good basis for negotiations, but flexibility from all sides is important concerning the exact wording of a negotiating mandate, on the issue of existing stocks as on other issues. A broad as possible participation and in particular that of states possessing nuclear weapons is crucial for an FMCT to be effective. We see ourselves as a potential bridge-builder in that regard and are willing to take responsibility both in the preparations and in actual negotiations.