Open-ended informal consultative meeting on FMCT

Statement of Mustapha Abbani
First Secretary

New York, 15 February 2018

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Madam Chair,

I thank you for your interim report on the work of the high-level FMCT expert preparatory Group. We value the work done up to now by your Group and I can assure you that you have the full support of Algeria.

I would also like to thank the High Representative for Disarmament Affairs, and the Group’s members who make their useful thematic presentations during the morning session.

Madam Chair,

I would like to seize this opportunity to highlight some elements that Algeria considers of great importance for the future treaty.

First, I would like to recall that according to the UNGA resolution 71/259 the mandate of the high level expert preparatory Group is to “make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear devices”. Accordingly, the Group has to provide in his final report to be considered by the UNGA this year the substantial elements that could be a basis for future negotiations on FMCT.

As all non-proliferation and nuclear disarmament treaties are complementary, the Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would also be an integral part of the international legal framework for non-proliferation and nuclear disarmament. For us, however, this Treaty should be, in particular, an instrument for nuclear disarmament. That is why we believe that the treaty would be a significant step towards the prime objective of nuclear disarmament.

In addition, the future Treaty should not diminish or alter the existing undertakings, obligations and commitments of Nuclear Weapons States.

The Treaty should be based on the elements identified in the Shannon report (CD/1299), namely, a non-discriminatory, multilateral and internationally and effectively verifiable treaty. This Treaty should ban the future production of fissile material for nuclear weapons or other nuclear explosive devices and serve as a framework to reduce and eliminate stockpiles of fissile material.

The core obligations in the treaty: The Treaty should ban the future production of fissile material used in the manufacture of nuclear weapons or other nuclear explosive devices; the diversion of fissile material to purposes that are prohibited or contrary to the treaty objectives; the reactivation of decommissioned, dismantled or converted nuclear facilities for activities banned by the treaty; and the transfer of fissile material for the manufacture
of nuclear weapons to other States or entities. The Treaty should require States parties to decommission, dismantle and convert facilities that produce fissile material covered by this treaty. The Treaty should also cover the existing stockpiles of fissile material for the manufacture of nuclear weapons.

Regarding the structure of the treaty that could advance objectives for nuclear non-proliferation and disarmament, we suggest to have as main parts of the Treaty: Definitions, scope, verification regime, legal and institutional arrangements.

The Preamble language: fundamental principles should be included in the preamble part of the treaty such as:

- Principle of equal and undiminished security of all States,
- The future Treaty should promote international cooperation on the peaceful use of nuclear energy,
- The Treaty should not be interpreted as infringing the inalienable right of States parties to pursue research on and the production and peaceful use of nuclear energy without discrimination,
- The Treaty should contribute to the reduction and elimination of existing stockpiles of fissile material,
- Principle of non-discrimination between States parties.

The Treaty should have separate protocols to deal specifically with some sensitive issues such as “existing stockpiles of fissile material”. Algeria did propose to the Conference on Disarmament, in the document CD/1545 on 31 July 1998, to develop “an international regime to govern stockpiles of fissile material which could take the form of a protocol annexed to the treaty, or an additional protocol”. The technical details of the verification regime could be included in a protocol.

The Conference of States Party may, at any regular session, adopt protocols to the treaty.

The phased approach should be adopted including for the reduction and elimination of all existing stockpiles of fissile material including that produced prior to entry into force of the treaty.

Madam Chair,

To ensure that the treaty will be an effective instrument, it should be governed by the fundamental principles of transparency, verification and irreversibility. States parties would be required to provide an initial declaration of fissile material production facilities as well of all existing stockpiles of fissile material including that produced prior to entry into force of the treaty.

Each State Party should undertake to publish, annually update, national inventories of all fissile materials, in its possession or under its control, by category: in civilian, nuclear
weapon and military non-explosive use. Each State Party should also undertake to report progress on measures it has taken to reduce national inventories of fissile materials available for nuclear weapons and other explosive devices.

As confidence building measures included in the Treaty, they will contribute to achieve the goals of the treaty. These could be framed as national declarations and undertakings to publish national inventories and to report any specific information required by the Treaty.

The FMCT would need its own modest organization: Conference of State Parties, Executive Council, and the Secretariat headed by an Executive Secretary.

By virtue of its mandate, expertise and experience, IAEA would take on the verification responsibilities of the Treaty. The relationship between the treaty’s governance body and IAEA would be matter of an agreement between the two organizations.

The Treaty should be underpinned by a rigorous and effective verification regime able to provide the necessary assurances of compliance. No discrimination should be made between States parties for the implementation of the verification regime.

The Treaty should include measures to be invoked in the event of violations that entail non-compliance with fundamental treaty obligations, and measures to correct those situations and to resolve disputes that may arise among States parties concerning the application or interpretation of its provisions.

A process would be needed to address allegations of non-compliance based on a cooperative approach as well in case of formal findings of non-compliance to be referred to the Security Council, and to the UNGA if the situation involves non-compliance by a permanent member of the Security Council.

The duration of the treaty should be indefinite, and the UN Secretary General should be the depositary of the treaty.

Finally, we view the FMCT as an essential contribution and step towards to achieving a world without nuclear weapons, and Algeria remain committed to working actively and constructively to attempt this objective.

**I thank you Madam Chair.**