India's views "on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including possible aspects thereof" for UNSG's report to be submitted in accordance with UNGA resolution 67/53 adopted on December 3, 2012

The following is India's submission "on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including possible aspects thereof" for UNSG's report in accordance with UNGA resolution 67/53. It is India's view that the UNSG's report, as per OP 2 of the resolution and established practice, will contain only the views of member states received by the Secretariat in the form of a compilation of submissions received from Member States:

Without prejudice to the priority attached to nuclear disarmament, India supports the early commencement of negotiations in the Conference on Disarmament of a universal, non-discriminatory and internationally verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

2. India has been consistent in its support for FMCT negotiations for over two decades. India was one of the original co-sponsors of the General Assembly resolution 48/75L adopted by consensus in 1993 which envisaged FMCT as a significant contribution to non-proliferation in all its aspects. India joined consensus on the establishment of an Ad-hoc Committee on FMCT in the CD in 1995 and again in 1998. India also joined consensus on CD/1864 - the Programme of Work adopted by the CD by consensus on May 29, 2009 - which provided inter alia for establishment of a Working Group to negotiate FMCT. India will not stand in the way of the adoption of a Programme of Work in the Conference on Disarmament along the lines of the document CD/1864.

3. The mandate for the proposed treaty was explicitly reflected in the resolution 48/75L and was later reconfirmed in the Shannon report, CD/1299, viz. "to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices". In India's view the agreed mandate set out in CD/1299 continues to be valid and relevant and should remain unchanged.
4. India believes that the Conference on Disarmament as the world's single multilateral disarmament negotiating body is the appropriate forum for negotiating an FMCT. The CD as the agreed forum for FMCT negotiations was one of the key elements of the consensus contained in CD/1299. Such negotiations should be conducted through an Ad-hoc Committee or a subsidiary body of the CD established as part of a formal decision by the Conference on its Programme of Work. The work of the CD and its subsidiary body should be conducted in accordance with the CD’s Rules of Procedure and on the basis of strict adherence to the rule that the CD shall conduct its work and adopt its decisions by consensus. This is essential to provide the necessary assurance that the security interests of Member States shall be fully protected.

5. India believes that an FMCT must be a treaty for banning the future production of fissile material for nuclear weapons or other nuclear explosive devices. This is the main characteristic in defining the scope of the treaty. If implemented in good faith through universal participation and adherence, an FMCT will be a significant contribution to nuclear non-proliferation in all its aspects. It would be a step towards nuclear disarmament but would not in itself be a disarmament measure.

6. The mandate for FMCT negotiations will have a bearing on various aspects of the treaty in terms of the treaty's core obligations. India underlines that the agreed mandate requires that the treaty must be non-discriminatory. Thus the obligations and responsibilities arising from the treaty must apply in a non-discriminatory manner in particular, to all States Parties directly affected by the treaty's obligations and responsibilities. The treaty would be global in character thus excluding any regional specificity. The treaty should include all states which are essential stakeholders for the treaty and thus critical for its universal adherence.

7. India believes that the definitions under an FMCT will have to be negotiated for the specific purposes of the treaty. The definitions under the treaty will not be a purely technical issue but will have several dimensions including inter alia political, legal and scientific dimensions. The dynamic correlation between scope, definitions and verification will be an important factor in the treaty, also taking into account the costs of implementing the treaty.

8. Verification will be an important element of the treaty's architecture. A verification mechanism would be essential to provide the necessary assurance
regarding compliance by all States Parties with the treaty's provisions. It will serve the dual purposes of detection and deterrence, including against wilful non-compliance and spurious allegations and counter-allegations of non-compliance. India believes that the treaty should itself be internationally verifiable. The mechanism for verifying the obligations enshrined in the treaty will be decided in the treaty negotiations and cannot be pre-judged or agreed in advance. Thus in India's view, the basic objective of the treaty will be to end all future production of fissile material for nuclear weapons and other nuclear explosive devices. The treaty should continue to allow the unhindered production of fissile material for permitted purposes under the treaty on a non-discriminatory basis.

9. As stated earlier, India would be willing to join only a non-discriminatory, multilaterally negotiated and internationally verifiable FMCT, as and when it is concluded in the CD, provided its national security interests are fully addressed. The treaty should not place an undue burden on military non-proscribed activities. India will not accept obligations which could hinder its strategic programme, research and development, as well as its three-stage nuclear programme. India is a nuclear weapon state and a responsible member of the international community and will approach FMCT negotiations as such.

10. India believes that the establishment of a Group of Governmental Experts (GGE) under the UNGA resolution 67/53 cannot and does not replace the CD as the forum for the negotiation of an FMCT. Therefore the work of the proposed GGE, in India's view, amounts to neither pre-negotiations nor negotiations on an FMCT, which should take place in the Conference on Disarmament.

11. India supports international efforts aimed at the early commencement of FMCT negotiations in the Conference on Disarmament on the basis of the agreed mandate as contained in CD/1299.

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