United Nations General Assembly Resolution 67/53:
“Treaty Banning the Production of Fissile Materials for Nuclear Weapons
or Other Nuclear Explosive Devices”

Submission by Ireland to the Office for Disarmament Affairs

Further to the Office for Disarmament Affairs’ circular diplomatic note of 31 January
2013 (Ref: ODA/14-2013/FMCT) and in order to assist the Group of Governmental
Experts established by UNGA Resolution 67/53 (hereinafter “the Group of Governmental
Experts”) in its work, Ireland is pleased to offer the following initial views on a treaty
banning the production of fissile material for nuclear weapons or other nuclear explosive
deVICES, including possible aspects thereof.

INTRODUCTION

1. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the fundamental
basis for global nuclear disarmament and non-proliferation efforts. Ireland believes
that the addition of a treaty banning the production of fissile material for nuclear
weapons or other nuclear explosive devices (Fissile Material Treaty or FMT) to the
disarmament and non-proliferation regime built around the NPT would further the
objectives of the NPT. To achieve the full potential of an FMT, Ireland believes that
the Treaty must address both existing stocks and future production of fissile materials.

2. To constitute an effective measure relating to nuclear disarmament, within the terms
of Article VI of the NPT, Ireland suggests that the objectives of the FMT should be as
follows:

   i. To prohibit any future production of fissile material for nuclear weapons or
      other nuclear explosive devices;
   ii. To require the placement of all civil stocks of fissile material under
       verification safeguards such that the material cannot be diverted to uses in
       nuclear weapons or other nuclear explosive devices;
   iii. To require the placement of all non-civil stocks declared as excess under
        verification safeguards such that the material cannot be diverted to uses in
        nuclear weapons or other nuclear explosive devices; and
   iv. To require the destruction or conversion to exclusively peaceful uses of any
       facilities previously used for the production of fissile material for nuclear
       weapons or other nuclear explosive devices.

These core objectives should form the basis of the FMT’s General Obligations.
3. The Treaty should set out an agreed framework of definitions and verification arrangements. It should prescribe the means to ensure compliance with obligations arising under the Treaty and to address any related situation arising. There should be a mechanism for the settlement of any disputes arising. The Treaty should set out all relevant practical arrangements, including the modalities of participation in the Treaty, review mechanisms, amendment procedures, entry into force, funding arrangements, organisational matters, etc.

4. While the FMT would, inevitably, require a modest, permanent implementation body to oversee the Treaty’s implementation, Ireland is of the view that, for reasons of practicality and efficiency, the International Atomic Energy Agency (IAEA) can and, subject to an examination of financial and staffing implications, should be considered as the appropriate agency for verification.

GENERAL OBLIGATIONS UNDER THE FMT

The prohibition against future production

5. The FMT should include a General Obligation upon each State Party never, under any circumstances, to develop, manufacture, produce or otherwise acquire fissile material for nuclear weapons or other nuclear explosive devices, or to transfer, directly or indirectly, such fissile material to any third party for these purposes.

6. There should be an obligation upon States Parties never to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Treaty.

Existing and future stocks

7. The Treaty should require the placement under safeguards, for the purposes of monitoring and verification, of existing and future civil stocks of fissile material and existing and future non-civil stocks declared as excess for weapons purposes.

8. Ireland suggests that, upon joining the Treaty, each State Party should submit an initial declaration of all civil stocks of fissile material and all non-civil stocks declared as excess for weapons purposes. All such material would then be placed irrevocably under IAEA safeguards.

9. Ireland suggests that, as nuclear weapons stockpiles are destroyed in line with disarmament obligations under the NPT, all fissile materials that formed part of the
destroyed weapons should be recovered and declared as excess for weapon purposes, and should be placed irrevocably under verification safeguards. The declaration that the weapons are excess for weapons purposes would include an undertaking that the recovered materials will not, under any circumstances, be reverted to uses in nuclear weapons or other nuclear explosive devices at any future point.

**Fissile Material Production Facilities / Former Production Facilities**

10. States Parties should be required to declare all relevant facilities, such as enrichment and reprocessing facilities and downstream facilities producing and using the defined fissile nuclear materials. Declared facilities would be monitored through adequate and appropriate agreed verification mechanisms and safeguards.

11. Each State Party would undertake, promptly and subject to verification, to disable and decommission and, where feasible, to dismantle facilities formerly used for the production of fissile material for nuclear weapons or other nuclear explosive devices, or to convert such facilities to peaceful or military non-explosive purposes.

**DEFINITIONS**

12. The FMT is designed to proscribe the production of fissile material for nuclear weapons or other nuclear explosive devices. In terms of defining the term “fissile material,” the starting point should be the definition contained in Article XX of the Statute of the IAEA, namely: “plutonium–239; uranium–233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing”. The IAEA Board of Governors may, from time to time, determine that other materials be included in the definitions.

13. The contentious issue of whether or not to include other special fissionable materials, such as isotopes of americium and neptunium and other materials that can support a fission chain reaction, should be reassessed having regard to the precise object and purpose of the FMT. These materials are not today subject to IAEA safeguards. The Statute of the IAEA does not include these materials in its definition of Special Fissionable Materials and INFCIRC/153 is based on the Statute in this respect. Ireland suggests that the IAEA should be tasked with advising the Group of Governmental Experts on related issues. Among the questions to be considered are: whether the definition used by the IAEA in the application of safeguards under the NPT might be inappropriate, excessive or ineffective for the precise purposes of the FMT; and whether certain other special but not fissionable materials, such as tritium, could be subject to monitoring and verification. These materials are not currently subject to IAEA safeguards.
VERIFICATION

14. Ireland suggests that the IAEA be invited to advise the Group of Governmental Experts on the feasibility of using existing safeguards structures and arrangements as a means to aid the implementation of the FMT, and to offer views as to whether and to what extent new structures or arrangements might require to be devised having regard to the particular objectives of the Treaty.

15. Ireland suggests that verification arrangements under the FMT should take account of the level of the proliferation risk arising. The available arrangements and tools should include: an initial declaration of stocks; annual declarations of non-production; instrument (i.e., remote) verification; routine on-site inspections; random / challenge on-site inspections. In addition to seeking advice from the IAEA, Ireland suggests that other Treaty regimes, such as, for example, the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty, might offer useful guidance on the usefulness of the verification measures in place under those regimes. To this end, Ireland suggests that technical experts at the relevant Treaty Organisations should be requested to advise the Group of Governmental Experts on related matters.

16. Effective verification under an FMT would require that States Parties have in place a comprehensive or full-scope safeguards agreement based on the NPT Model Agreement INFCIRC/153, and that States Parties have also ratified the Additional Protocol, to ensure effective verification of a production cut-off. Where a non-weapon state decides to use fissile materials for military, non-explosive purposes, which is permitted under the NPT and its comprehensive safeguards agreement, special arrangements would have to be made to verify that such material is not used for weapons purposes.

These views represent the initial views of Ireland on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices including possible aspects thereof.

Ireland welcomes the present process of consultation on this matter, and looks forward to further opportunities to engage with the Office for Disarmament Affairs and with the Group of Governmental Experts on related issues, should the need arise.

Ireland will make further submissions and/or presentations to the Office for Disarmament Affairs and the Group of Governmental Experts should we deem this appropriate or helpful as the current process develops.