INDIA STATEMENT
by
Dr. Pankaj Sharma
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at the Informal Consultative Meetings convened by the
Chair of the High Level FMCT Expert Preparatory Group
15-16 February 2018, United Nations

Ambassador Heidi Hulan,

Excellencies,

Distinguished Delegates,

It has been my great honour and pleasure to work with you in your various capacities, and particularly as Chair of this Group. I join my other colleagues in expressing our deep appreciation for Canada’s role and efforts related to FMCT.

Like a few colleagues in this room, I am coming directly from the Seventh Meeting of the Nuclear Security Contact Group held in Amman. If the success of the Nuclear Security Contact Group, which you were the founding convener of, is any indication, I see no doubt why this high level preparatory group will not be led to a successful outcome under your able leadership.

Today’s meeting, in India’s view, is an important meeting as we get to hear the views of the larger UN community and forges an inclusive process, as also underlined by you this morning.

We already heard a number of technical presentations by some distinguished experts this morning, so I will dwell on India’s approach and philosophy on FMCT.

Without prejudice to the priority we attach to nuclear disarmament, India supports international efforts aimed at early commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in the Conference on Disarmament, in accordance with the mandate explicitly reflected in resolution 48/75 L, and later reconfirmed in the Shannon report (CD/1299), 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. The agreed mandate set out in CD/1299 continues to be valid and relevant and should remain unchanged.

The Conference as the world’s single multilateral disarmament negotiating body is the appropriate forum for negotiating such a treaty. The Conference as the agreed forum for treaty negotiations was one of the key elements of the consensus contained in CD/1299. The work of the treaty in the Conference and its subsidiary body should be
conducted in accordance with the rules of procedure of the Conference and on the basis of strict adherence to the rule of consensus.

A fissile material treaty must be a treaty for banning the future production of fissile material for nuclear weapons or other nuclear explosive devices. It certainly, in our view, is not an arms control treaty. However, if implemented in good faith through universal participation and adherence, it will make 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. It is important to safeguard existing conceptual clarity as we move forward.

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. It should include all States which are essential stakeholders for the treaty and thus critical for its universal adherence. 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. The mechanism for verifying the obligations enshrined in the treaty will be decided in the treaty negotiations and cannot be prejudged or agreed in advance. The treaty should not place an undue burden on military non-proscribed activities.

As we have maintained, the High-level Expert Preparatory Group under the UNGA resolution 71/259 of 2016 should not replace the CD as the forum for the negotiations of an FMCT. Therefore, the work of this Group in our view amounts to neither pre-negotiations nor negotiations of an FMCT, which should take place in the CD on the basis of the agreed mandate. There is necessity of participation of all stakeholders in FMCT negotiations, which can be ensured in the CD. This Group has been conducting its work in accordance with the established practice of a GGE, including the principle of consensus, which is a pre-requisite for its success. India supports the CD as the world’s single multilateral disarmament negotiating forum and hopes that as the High-level Expert Preparatory Group concludes its work, its member States will also undertake all efforts to enable the Conference to commence substantive work at an early date.

Thank you, Madam Chair.
Intervention made on 16 February 2018

Under the Agenda Item on Institutional and Legal Issues

There is a need for treaty based separate, independent and self-contained FMCTO that is self-sufficient in legal authority and financial and human resources capable of supporting effective implementation of the treaty based on an integral relationship between treaty obligations, implementation including verification, addressing issues of non-compliance, budget issues and review mechanism. These should be addressed as an integral whole in the treaty so that the States Parties have a sense of ownership and to ensure that the treaty is implemented in a credible and effective manner on a non-discriminatory basis by the Treaty decision making organs.

An FMCTO could enter into cooperation agreements with other international organizations including with the IAEA for cooperation in specific areas identified in the Treaty. An FMCTO would be separate from and not subordinate to the IAEA.

Along the lines of the OPCW, an FMCTO could have a DG and Secretariat which has both technical functions including verification, as well as other support functions.

The main decision making body would be a Conference of State Parties held annually or as decided by States Parties. The main implementation body would be an Executive Council in which States Parties of direct relevance to the treaty would have permanent seats. Decision making including on matters relating to non-compliance would require consensus, preceded by a robust consultative process for addressing unresolved issues and to protect against frivolous allegations.

A Confidentiality Commission would protect sensitive information relevant to treaty implementation at the highest standards.

An Amendment Conference could be called by two thirds of States Parties and adopt amendments by consensus on subjects identified in the Treaty.

A Special Conference could be called in cases of non-compliance on the recommendation of the Executive Council.

The duration of the treaty should be very long or indefinite depending on the final shape of the treaty.

Costs of the Treaty should be shared by all States Parties in accordance with the well-established UN scale of assessments.

The treaty should include provisions on withdrawal and reservations.