

**STATEMENT BY ELISSA GOLBERG, CHAIR OF THE GROUP OF  
GOVERNMENTAL EXPERTS ON A TREATY BANNING THE  
PRODUCTION OF FISSILE MATERIAL FOR NUCLEAR WEAPONS OR  
OTHER NUCLEAR EXPLOSIVE DEVICES**

***[Introduction]***

- Good morning. I would like to begin by thanking the Chair, Ms. Heidi Hulan, for her kind invitation to address member states in this Informal Consultative Meeting initiated by the 70th UN General Assembly.
- This forum is a welcome opportunity to substantively involve all UN Members in a process that I hope, will very soon result in the initiation of a negotiation process that would design and finalize a Treaty Banning the Production of Fissile Material for Nuclear Weapons and Other Nuclear Explosive Devices.
- The need for such a Treaty has long been recognized by the General Assembly - a body that has clearly assessed it as a vital link in a chain which began with the Comprehensive Test Ban Treaty and that should ultimately end with a world free of nuclear weapons. With resolution 71/259, the General Assembly has again reaffirmed not just the relevance of concluding a treaty addressing fissile material production for nuclear weapons, but the renewed urgency of doing so.

*(PAUSE)*

- And so towards this end, I welcome the opportunity at the outset of this new process to share my experience of having chaired the 2012-2014 Group of Governmental Experts (GGE), and importantly to reflect on aspects of the consensus report which it delivered. My remarks today constitute my personal impressions of the Group's work. I would certainly encourage each of you to consider the full content of the GGE report on its own merits. *(PAUSE)*
- It is worth recalling that the 67<sup>th</sup> General Assembly's decision to establish that GGE in resolution 67/53, stemmed from an overwhelming conviction among member states that such a treaty, while clearly essential for global peace and security, needed to have the parameters of its debate re-focused on the essential elements that would concretely underpin it, and away from the stale discourse that had become an obstacle to its pursuit in the UN Conference on Disarmament. The General Assembly believed that a GGE, comprised of a geographically diverse and committed group of technical experts, including those from nuclear weapon possessing and non-nuclear weapon possessing states, could constructively re-define the parameters of discussion on this important topic, and provide a pathway forward.

- I am grateful for the confidence that the General Assembly placed in us as a group, and I believe this is precisely what the GGE delivered - a serious, non-polemical set of recommendations that I trust can provide a foundation on which this new exercise can build.

***[Value of the GGE report and key outcomes]***

- Madam Chair, many commentators have argued that the ultimate value of the GGE process lay in the depth and breadth of the Group's deliberations. Over 8 weeks, detailed consideration was given to the various issues that future treaty negotiators would need to address, and provided “signposts” for how they might to do so.
- Through a methodical, fact-based approach, where I had challenged the Group to ensure that "no issue was off the table", the GGE identified considerable areas of convergence on key treaty aspects, elements where additional technical, scientific and other work could be pursued, but also critically, the final report offered clear proposals to future negotiators on how they might address divergent perspectives.

- Indeed, as the GGE was not itself a negotiation, we did not need to reconcile the various perspectives on individual topics instead, we focused on ensuring critical issues were thoroughly considered in order to inform future negotiating efforts. This model of detailed examination and thoughtful dialogue on difficult issues that go to the core of national and global security concerns, will, I hope, also inform your efforts.

*(PAUSE)*

- Above all, and importantly for this General Assembly to note, there was a consensus in the GGE that a treaty should establish a legally-binding, non-discriminatory, multilateral, and internationally and effectively- verifiable ban on the production of fissile material for nuclear weapons or other nuclear explosive devices.
- There was also consensus that CD/1299 and the mandate contained therein (often referred to as the “Shannon Mandate”), remained the most suitable basis on which future negotiations should proceed in the Conference on Disarmament. The Group reaffirmed that, under this mandate, negotiators could raise for consideration all aspects of a treaty, including its scope.

## **[Scope]**

- The future treaty's scope is in fact a good place for us to consider the GGE's work in greater detail.
- The group agreed that emphasis should be placed on prohibited as opposed to permitted activities, and that the scope of a future treaty would be closely linked to the General objectives it would seek to achieve - whether non-proliferation and/or disarmament in nature.
- But to my mind, among the most significant contributions of the GGE on the subject of scope was the vital headway it made in unpacking and re-framing the hitherto contentious issue of so-called “stocks”.
- Rather than remain captured by static national positions on whether or not to include existing “stocks” of fissile material which had perverted discussions in the recent past, GGE members shifted the debate, by factually assessing whether, or to what extent, the scope of a treaty should extend to fissile material produced by a State Party prior to its entry into force – and to consider the implications of doing so.

- In the context of this discussion, it was apparent that the positions of experts fell along a spectrum: from addressing future production to prevent an increase in the amount of fissile material available for use in nuclear weapons, to addressing different elements of past production of fissile material as defined in a treaty.
- This distinction is significant, notably since to that point inter-governmental discussions had mischaracterized the range of perspectives on this matter as quite narrow.
- Elements of past fissile material production identified and assessed by the GGE included civilian stocks, naval fuel, stocks assigned to nuclear weapons, and fissile material declared by a State as excess to its weapons needs. Despite variances in views on respective proposals, it is worth underscoring that all GGE participants discussed and debated the potential benefits and pitfalls of all issues, operating as they were under the umbrella of the Shannon Mandate.
- The GGE's ability to have a conversation about the range of different types of "past production" that might need be addressed should go some way towards helping future negotiators bridge differences on the issue of scope.

- Indeed, I personally hope to see this dialogue continue during this Preparatory Group process, at the upcoming NPT Preparatory Conference in May and, hopefully in the not too distant future, during actual FMCT negotiations.

### **[Verification, Definitions and Legal Provisions]**

- I would remiss in speaking to the issue of a future treaty's scope, without underscoring the dynamic correlation that the GGE felt also existed with its definitions, verification requirements, and associated legal obligations and institutional arrangements. The GGE recognized that none of these issues can be addressed – nor should be - in complete isolation from the others.
- And while I won't go into detail on each aspect, I would like to spend a few minutes on verification, because for me, this is the treaty element most clearly impacted by this dynamic interplay. For example, if the scope of a treaty does not extend to the past production of fissile material produced for nuclear weapons or other nuclear explosive devices, its verification needs are likely to be more modest. Similarly, if the definition selected for “fissile material” is extremely broad, any verification regime will need to expand accordingly.

- Because of this, I challenged GGE members to examine in technical detail the consequences of various choices for the treaty's scope and definitions on any future verification regime. Experts deliberated on a range of benefits and drawbacks of both focused and comprehensive approaches to treaty verification. This was an extremely useful exercise, but one that should be expanded upon in (or outside of) the Preparatory Group process, not least because we did not have adequate time, nor sufficient technical expertise within the group to take these discussions to their logical conclusion, nor to fully explore the challenges to verification - including those relating to national security, non-proliferation and commercial propriety concerns.
- Nevertheless, we did land on several points.
- In reasserting that an FMCT must be internationally and effectively verifiable, GGE members believed this meant the treaty should deter and detect non-compliance in a timely manner, provide credible assurance that States Parties are complying with their treaty obligations, and guard against frivolous or abusive allegations of non-compliance.

- As a means to achieve this goal, there was broad agreement that the verification regime must especially guard against diversion risks and undeclared production facilities.
- There was also agreement that a diverse verification tool box would be required, the core of which would be composed of existing verification approaches, tools and techniques currently employed in multilateral and bilateral forums to encourage efficiency. These, and other tools that could be developed specifically for the treaty, would enable the verification regime to provide credible assurance that States Parties were complying with their obligations.
- I look forward to the additional reflections that the Preparatory Group process will stimulate on the issue of FMCT verification. And, I trust that these deliberations will likewise inform (and be informed by) parallel processes, such as the recent Norwegian initiative to create a Group of Governmental Experts on nuclear disarmament verification in 2018 given their reciprocal benefit. Likewise, I continue to encourage the US-led International Partnership for Nuclear Disarmament Verification (IPNDV) to delve into some of the verification issues identified in the GGE's report as needing further scientific and technical study.

### ***[Conclusion]***

- In conclusion, Madam Chair, I firmly believe that the GGE established by UNGA67 to make recommendations on possible aspects of a treaty on this subject offers valuable insights in both substance and process for the work you are mandated to pursue.
- I appreciate your kind invitation to speak today. I have always hoped that the GGE's report would enjoy wide readership, foster greater understanding of the key issues at play, and assist in generating necessary momentum and political resolve to bridge differences.
- While the GGE's discussions reinforced the expectation that negotiations of such a treaty will be complex with several decisive issues still to be settled, it also demonstrated that positions are not necessarily as divergent as originally thought or are often portrayed, and the commencement of negotiations should be able to begin without delay.
- I urge those invited to participate in the FMCT Preparatory Group to keep this this important understanding in mind. I also urge members selected to mirror the commitment to genuine dialogue that was

apparent throughout the deliberations of the marvelous and talented GGE membership that I was fortunate to chair.

- I sincerely hope that the outcome of your process Madam Chair, will contribute to reviving the Conference on Disarmament.
- That the General Assembly has asked for additional work to take place to further build on the work of the GGE is both a testament to the recognition by this body that such a treaty will genuinely contribute to practical progress towards achieving a world without nuclear weapons and on non-proliferation in all its aspects, and a commentary on the need for the CD to overcome the sclerosis that has inhibited it from fulfilling its mandate in recent years and deliver on the aspirations of hundreds of millions of global citizens.
- I wish you a successful meeting.