

**Remarks by H.E. Ambassador Heidi Hulan to the
Conference on Disarmament
Geneva, 12 February 2019**

1. GREETINGS AND INTRODUCTION

- Thank you, Mr. President. I am grateful to the Ukrainian Presidency for the invitation to speak here today.
- Before I begin allow me to underscore that, although I am speaking from the Canada seat, **I am taking the floor my capacity as Chair of the UN High-level FMCT expert preparatory group** (referred to hereafter as “Preparatory Group”), which considered an issue which happens to be a core CD agenda item – a Fissile Material Cut off Treaty. My remarks today constitute my own impressions of the Preparatory Group process and personal reflections on next steps.
- Before I begin, I wish to take this opportunity to thank the Netherlands, and Ambassador Gabrielse in particular, for having chaired Subsidiary Group 2 which included the Fissile Material Cut-off Treaty. I would also like to thank the many members of this Conference who have consistently conveyed their determination to advance the FMCT. It is an honour to be among you.

2. RECAP OF FMCT DEVELOPMENTS & THE PREPARATORY GROUP REPORT

- This was a difficult speech to write, because so little remains to be said about a FMCT.
- This of course should not be confused with the notion that there is very little left to DO on this issue. On the contrary – there is a great deal to be done, and the effort is not only inherently of interest to all CD members, it also has the potential to contribute much needed momentum to our collective nuclear disarmament and non-proliferation aspirations.
- In the time that I have today, I would like to reflect on what has been accomplished, what remains to be done, and some of the considerations regarding next steps.
- Mr. President, the report of the Preparatory Group cannot be viewed in isolation - it caps a longstanding progression of activities in service of negotiating a legally binding end to the production of fissile material for nuclear weapons, beginning with UN General resolution 48/75, then the mandate agreed in 1995 under Gerald Shannon, the GGE in 2014-15 and more recently, a series of discussions here in the Conference include the

Schedule of Activities in 2015 and the Way Ahead Working Groups in 2017, and the 2018 Subsidiary bodies.

- As such, the Preparatory Group's final report, released here in the CD as document CD/2152, joins a library of works dedicated to making this important treaty a reality.
- This is not to say that the pace of progress has been sufficient.
- For the past 25 years, an FMCT has been considered the next logical step towards nuclear disarmament.
- For most of that time, very little progress was made towards this goal. CD1299 had been negotiated here in Geneva, effectively furnishing a negotiating mandate capable of accommodating all known political positions. But beyond this, the international community had not progressed beyond a well-worn exchange of known positions.
- And that is where things stood as recently as 6 years ago.
- Since then, the General Assembly has seen to it to provide the international community with a venue for substantive, expert level discussions on a Treaty, covering both technical considerations, and broader diplomatic issues, first through the establishment of the Group of Government Experts on an FMCT and latterly by the creation of the Preparatory Group.
- The GGE, which reported in 2015, produced a report which fundamentally deepened our understanding of the substantive issues underlying an FMCT. It made a particularly important contribution to future negotiations by demonstrating unequivocally that the contentious issue of scope is not a mere binary choice between including stocks and not including stocks. Consequently, as GGE experts agreed – and their report amply demonstrated – nothing substantive stands in the way of negotiations. This was a landmark moment in the FMCT debate.
- The Preparatory Group was created to build on this progress in the continued absence of negotiations. This group carried out the type of preparatory work usually done at the outset of a negotiation, but which could equally be carried out in advance.
- While not written in Treaty language, the report is laid out in much the same structure that one would expect an eventual treaty to be laid out. It contains a concise, plain-language menu of potential treaty provisions across all treaty aspects, including a Treaty's definitions, its scope, verification and legal and institutional framework.
- It also contains a summary of those considerations that negotiators will need to bring to bear when deliberating these options.
- And it contains a considerable list of recommendations which not only underscore that negotiation should begin without delay, but which also delineate what further work could

be undertaken — either in parallel to negotiations or in advance — to facilitate a successful outcome.

- It is not a negotiating text, but it is not a million miles from one either.
- The Preparatory Group report represents a meaningful contribution in at least three ways:
 - o First, the report broke genuinely new substantive ground on some of the key issues related to a future treaty, including its legal and institutional arrangements, which are not straightforward and yet have been historically under treated in the debate on FMCT.
 - o Second, by outlining not just the range of possible treaty provisions, but also the considerations that all future negotiators will need to reflect upon regardless of national position, this report has “cleared the brush”. While some of this terrain may need to be revisited in an actual negotiation, it is unlikely that all of it will need to be repeated. In this way, the Preparatory Group has laid the groundwork for a more efficient negotiation in the future.
 - o Third, this report has taken the state of the art on substantive FMCT debate and distilled its essence into readily understandable, readily usable, form.
- This is no small thing. As I’ve noted before, all UN member states have a stake in an FMCT, but not everyone will have the same depth of expertise available within their own governments to support negotiations – and I include my own country in that assessment.. By focusing on capturing its recommendations in plain language, this report has democratized this issue in a way that will serve the international community well when it comes time to negotiate this treaty.
- In sum, whereas it is often said that the GGE report contained useful signposts for future negotiators on some of the core issues — this document is a roadmap for the actual negotiation.
- I do not intend to review the content in any more detail: it is now well socialized and it deserves to be read on its own merits. Instead I would like to use the time available to discuss what comes next.

3. PROSPECTS FOR THE FMCT IN THE CD

- We can take pride in this report. However, the prospects for actually launching negotiations here in Geneva are not what they should be.
- When I was here last February I said that I was not oblivious to the risks that the Preparatory Group would end well but that the product of its effort is not pursued here in Geneva and the possible impact this would have on this body’s continued relevance. I

will not dwell on this point today, but suffice to say we should remain concerned about the implications for this institution if there is no breakthrough on this file.

- Nor do I intend to address criticisms of the report, which I did in my report to the first committee.
- Instead, allow me to share some reflections on the positive aspects of the FMCT processes, both the GGE and the PG. By focusing on what worked, it is my hope that this will positively inform other ongoing processes and initiatives and perhaps provide inspiration to this Conference.

- **4. REFLECTING ON POSITIVE ASPECTS**

- Looking back on this process, there were a few aspects that stand out to me, and bear repeating as a lesson learned for other processes.
- First, **open engagement**. Earlier I mentioned the stake that all CD Members and by extension all UN Member States have in this treaty. As Chair of this process, transparency and inclusivity were a major priority for me. This was not simply a return on their political investment of FMCT supporters; it was also meant to ensure that the entire international community remains accountable for the negotiation of this treaty.
- Canada did not carry this load alone. Germany organized a series of seminars here in Geneva on an FMCT and the UN organized a major awareness-raising campaign in the African, Latin American and Asian regions.
- Second, I noticed that the Group was especially able to make progress — even on highly entrenched issues — when it worked at **building on key agreed principles**, instead of focusing on areas of divergence. This is of course especially true when there is no mandate to negotiate.
- Third, the work of the group really served to underscore the value of **transparency and confidence-building measures**, before and during treaty implementation. The conversation had in the Preparatory Group on this issue was one of the most interesting ones for me personally. It's clear that the extent of entrenchment of positions on this treaty will continue to aggravate prospects for success. The Preparatory Group's discussions revealed interesting possibilities for creative thinking on TCBMs as a way forward, but it is evident more work needs to be done in this regard.
- Fourth, the importance of **technical expert work** and having technical experts at the table was very clear. The negotiation of an FMCT will be a diplomatic and political exercise, but care needs to be taken to have the right knowledge set in the room, and on the Chair's team, at every stage. The diplomatic process benefits tremendously from their presence.

- I am persuaded that even though the Preparatory Group was not negotiating and that many of the experts already had extensive knowledge of the issue, experts nevertheless left the table with a much greater understanding of each other's positions which will serve them well when it comes time to negotiate this treaty.

- **5. BACK TO FUNDAMENTALS**

- In the CD's reflections on the report and the next steps, I'd urge you to keep in mind the fundamental premise that underpins the more than 50 years of efforts made toward this treaty.
- The production of fissile material for nuclear weapons **must** be expressly prohibited. Let's speak frankly. Who among us would be willing to argue publicly that the production of fissile material for building nuclear weapons is a legitimate enterprise in 2019?
- Beyond new production, it is also broadly understood that stockpiles of fissile material available for nuclear weapon production create risks — proliferation risks, security risks, safety risks. We've discussed these in multiple forums, including this one, and it is clear that for the overwhelming majority of the international community, these represent **unacceptable** risks. There are options for managing this alongside legitimate security interests, but only in the context of a treaty, but the risks cannot be ignored.
- There can be a legitimate debate on other aspects of nuclear weapons. We can discuss how best to verify their disarmament and dismantlement, we can debate the value of alternate legal instruments for advancing disarmament, or the impact of modernization programs on this agenda. We can and should discuss the important relationship between deterrence and disarmament. However, I respectfully submit that the time for discussing the production of fissile material for nuclear weapons is over — it is time for a treaty.
- As I mentioned, translating these insights into action in *this* body remains elusive. Why? Nothing in CD members' substantive positions fall outside the range of views expressed in the report. What is the way out?
- One option is to take up the FMCT in substance but not in name, whether in the CD or in other summits.
- Another possibility is to take this treaty out of the CD and negotiate it in the UNGA or in a standalone process.
- AND obviously, nothing prevents possessor states from negotiating a treaty among themselves.

- There are obviously different views on how the next step should be approached. However, one point on which I believe we can all agree is that the benefits of having a negotiation here, in the CD, are considerable:
 - o In this body, a negotiating process need not be subject to artificial deadlines
 - o In this body, all of the key players needed to make a success of an FMCT are present.
 - o And of course, the rules of procedure ensure that a negotiation is PREDICTABLE and EQUITABLE.

- A negotiation on an FMCT here in the CD would likely be a lengthy process. There are technical issues to resolve – notably on verification, something that I hope will be facilitated by work now underway in the GGE on NDV. But the likely duration of this process should serve as an additional assurance, particularly for those states who are concerned that a hasty deal would compromise their vital national interests.

- Finally, allow me to address one final consideration related to next steps. It has been observed by many that current political context does not favour major breakthroughs in the disarmament and non-proliferation domain. It's difficult to disagree with this point. Geopolitical dynamics are challenging at the moment.

- Yet it is also the case that during these periods we benefit tremendously from continuing to prepare for the day when geopolitical circumstances are more favourable.

- It is also at these times that we stand to benefit MOST from confidence building measures – and if there is one thing I take from the Preparatory Group process, it is that the actual process of negotiating this treaty will itself constitute a confidence building measure.

- In sum, there is much to gain, and very little to lose, from starting a negotiation in this forum.

- But it is also self-evident that a concerted political and diplomatic effort is essential to make this happen. I would highlight here the special burden that possessor states bear for getting this started. In particular:
 - o possessor States which have historically opposed negotiations in the CD need to show flexibility.
 - o possessor states who support negotiations, need to work with others to consider what further options are at their disposal for breaking the current impasse.

- Doing so should be considered a priority as we head towards the 2020 NPT Review Conference.

7. CONCLUSION

- Before concluding, allow me to return briefly to my earlier point about the value of technical and scientific expertise. The recommendations contained in the Preparatory Group's report outline some of the technical work that can be usefully prosecuted at this stage. In particular, mapping out how each of the treaty institutional models described in the report would work in practice, and costing these out.
- Similarly more work is needed on how such a treaty could be verified in practice.
- Work on these fronts should not be confused with progress negotiating a treaty, and would ideally be pursued concurrent to FMCT negotiations. Nonetheless, absent agreement on negotiations, these technical issues can be usefully pursued. The CD should consider its options in this regard.
- In closing, let me reiterate – and here I speak on behalf of Canada and not simply in my personal capacity – that it is not in anyone's interest to let the pursuit of a prohibition on the production of fissile material for nuclear weapons lapse. We all bear risks if it does.
- Conversely, groups on all sides of the disarmament and non-proliferation debate stand to benefit enormously from moving forward here, now, in Geneva:
 - For the P5, it would demonstrate progress on your Article 6 obligations
 - For supporters of the step by step approach to nuclear disarmament, it would represent long overdue progress and a validation of their investment in an approach that is often frustrating to its own supporters but which is concrete and inclusive.
 - For advocates of the Treaty on the Prohibition of Nuclear Weapons, moving forward is equally valuable, as it is obvious that there will be no practical progress on disarmament without the FMCT.
 - And for the large number of states who seek to protect the CD's primacy, moving forward would provide the best defense against further erosion of this body's relevance.
- Ladies and Gentleman, I am confident that the work done by the Preparatory Group will be invaluable to you as you pursue these discussions. It has been a great privilege to chair this process. I would like to extend my gratitude to the delegations in the room for your support on FMCT generally, and the Preparatory Group over the past two years.
- Thank you.