



Press Briefing at Conference on Disarmament

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MR. RADEMAKER: I believe most of you heard the statement that I just delivered to the Conference on Disarmament, and you should also have received copies of the draft FMCT Treaty that the United States is tabling today as well as the proposed mandate for FMCT negotiations that we distributed.

The United States has taken these steps because we are trying to provide additional impetus to the FMCT here at the Conference on Disarmament. As I noted in my statement, it's been nine years since the Conference did any substantive work on the FMCT or any other important arms control, disarmament or non-proliferation issue which we think is way too long. As I explained in my statement, there have been diplomatic problems here having to do with the establishment of linkages, or as I referred to them in my speech, hostage taking, which has for nine years prevented any substantive work. We think this is most regrettable for the conference. We called on the members of the conference to work together to overcome these linkages so that the conference can get back to doing the important work that it is supposed to be doing.

In offering a draft FMCT, we are trying to be helpful to the Conference. We're trying to trigger thought, trigger discussion, and hopefully trigger the initiation of negotiations on the basis of the text that we have offered. But I do want to stress that we did not offer our proposed FMCT text on a take it or leave it basis. This is not a demand by the United States that the members agree to our text. Quite the opposite. What we are trying to do is clarify for the other delegations our best thinking about what should be in an FMCT. Obviously other delegations will have other ideas, and through a process of negotiations ultimately we would hope an agreed text could emerge. It was in order to foster such a process that we have put forward our proposal today.

I think perhaps I'll just stop there and respond to any questions that you have.

QUESTION: A couple of questions. Listening to your presentation you indicated that the negotiation on nuclear disarmament is kind of unrealistic. On the other hand you said that you would like to see the CD to complete the negotiation on the FMCT by the end of this year. I am just wondering if this is just another unrealistic goal?

Secondly, has the United States any change in its position on the verification issue on the FMCT?

Last, do you have any response to the remark made by Iranian representative?

Thank you very much.

MR. RADEMAKER: On your first question, is it realistic to hope that an FMCT treaty can be negotiated in the Conference on Disarmament by the end of this year. I suppose if you look at the last nine years of history you would have to say yes, that is an unrealistic goal because for the last nine years the Conference has been unable to do any work. We hope that the obstacles that have existed in the past can be overcome, and it was in an effort to overcome those obstacles that I came here today and that we offered the proposed text and the proposed mandate that we have put forward today.

On the question of nuclear disarmament, we do not believe that this is an issue that is ripe for negotiation in the Conference. The United States is not the only delegation that holds this view. There is not consensus in the Conference to begin a negotiation on nuclear disarmament. One of the key points I made in my statement was to point out how the FMCT was different from these other issues such as nuclear disarmament in that critical respect.

As far as I am aware there is no delegation at the conference that says it is opposed to the FMCT. For every other proposed agenda item at least one delegation can be identified that will say formally and on the record that they oppose the initiation of negotiations on that issue.

The problem that the FMCT has encountered is there have been a number of delegations that say they are in favor of the FMCT but they are going to hold up any negotiation on the FMCT until they receive satisfaction on some other issue that's important to them. I referred to this practice in my remarks as hostage taking. The request that is made of the other delegations to agree to the hostage taking is essentially a request that a ransom be paid. I explained in my remarks why we think it's inappropriate to ask that ransom be paid to commence negotiations on which there is consensus on the substance of the proposal which is the case with the FMCT.

Your second question was verification. I made very clear in my remarks that there has been no change in US thinking on this issue since we announced the results of our policy review regarding the Fissile Material Cutoff Treaty in July of 2004. We announced in July of 2004 that we had studied this issue carefully and concluded that effective verification of an FMCT is not realistically achievable here at the Conference on Disarmament and therefore it would be a mistake to seek to negotiate effective verification or to include verification provisions in an FMCT treaty.

There are essentially two elements to our analysis of this issue. The first is that as a practical matter, our experts in verification matters have reached the judgment that virtually any scheme of verification that could conceivably be agreed here at the conference, that would be acceptable to the key players here, would not give a reasonable level of assurance that cheating could be detected by the international mechanism created here at the conference.

So the expert judgment on that issue was that whatever we might achieve at great cost in terms of time spent negotiating it would not be worth the effort expended at the end of the day.

The second element of our judgment that the issue of verification should be set aside was really a more practical judgment that the objective of the Fissile Material Cutoff Treaty is to stop the production of fissile material. We know today there are a number of countries that are continuing to produce fissile material. With every day that goes by the value of the FMCT diminishes because there will come a point where countries that are currently producing fissile material have all the fissile material they could possibly want and then they will stop their production. If that is the moment at which the FMCT enters into force it will be an interesting event when it happens but it will be of no practical consequence to the world because nothing will change. There will be no less fissile material in existence as a result of the treaty.

The point of the FMCT is to stop fissile material production as soon as possible. If years are expended negotiating verification provisions, those are years during which additional fissile material production is going to continue to occur. Particularly if the net result of years spent negotiating verification is a verification regime that is of little practical value in terms of its ability to detect cheating, then for us it is not a very hard call to make that we are better off setting aside the issue of verification.

One of the purposes served by putting forward our draft treaty today was to underscore how simple the negotiating task is on an FMCT if we set aside the issue of verification. The text that we circulated today is about three and a half pages in length and set in a large typeface. It's a very brief treaty.

Should we seek to couple that treaty with a verification annex, most assuredly we will then have a treaty that runs probably hundreds of pages in length.

I did not bring a copy of the Chemical Weapons Convention with me but I have a bound volume of it in my office. It's about this thick. If we set about that kind of negotiation, most assuredly we will be here many years negotiating verification and that sort of misses the point. The point is to stop fissile material production and not to elaborate very complex verification provisions that ultimately are not going to prove particularly useful to the international community.

Your final question was about my response to the comments by the Iranian delegation. There are many things I could say in response to the Iranian delegation but I will only make one point. The Iranian representative repeated a defense that Iran frequently offers of its activities in the nuclear area and that was they selectively quoted from reports of the International Atomic Energy Agency on Iran's compliance. Essentially the representative noted that the IAEA has found that all declared nuclear material in Iran has been accounted for. That of course is true. All declared nuclear material in Iran has been accounted for by the IAEA.

The question is whether there is any undeclared nuclear activity or nuclear material in Iran. That is the whole issue. Of course the Iranian delegate glossed over what the IAEA has said repeatedly about undeclared nuclear activity in Iran and undeclared nuclear material.

I can actually read the paragraph from one of the most recent IAEA reports on the situation in Iran. This is from the February 27, 2006 report by Director General ElBaradei. Paragraph 53 says, "As indicated to the Board in November 2004 and again in September 2005, all the declared nuclear material in Iran has been accounted for." That's where the Iranian delegate stopped. But the report goes on to say, "Although the agency has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devices, the agency is not at this point in a position to conclude that there has been no undeclared nuclear materials or activities in Iran. The process of drawing such a conclusion under normal circumstances is a time consuming process even with an additional protocol in force. In the case of Iran, this conclusion can be expected to take even longer in light of the undeclared nature of Iran's past nuclear program and in particular because of the inadequacy of information available on its centrifuge enrichment program. The existence of a generic document related to the fabrication of nuclear weapons components and the lack of clarification about the role of the military in Iran's nuclear program including, as mentioned above, about recent information available to the agency concerning alleged weapons studies that could involve nuclear material."

That's the full finding of the IAEA and I think the picture that emerges is a much more damning one with regard to the nature of Iran's activities than the Iranian delegate was prepared to admit today.

QUESTION: I'd like to go back to this issue of verification. It has been a mantra forever, of trust but verify. How can you go away from this now? And so if you trust countries to stop production, how can you really trust it without verifying this?

Do you have any support from other countries on this and is it really more difficult to create a verification regime for this particular treaty than for others? You mentioned the Chemical Weapons Treaty for one.

MR. RADEMAKER: Yes, we do have support from a number of other delegations for our position on this. The quote about trust but verify came from a very important source, former President Reagan. He made that comment in the context of bilateral US-Soviet arms control where verification was a critical component of the willingness of the United States to commit to reductions in strategic nuclear forces.

There was a very elaborate verification regime ultimately negotiated there which our experts judged gave them satisfactory insight into Soviet compliance with the arms control obligations.

The difference here is that this is not a bilateral negotiation; it is a multilateral negotiation. Sixty-five countries are going to have to agree by consensus on any verification mechanism that is structured here. We have taken into account what positions those 65 countries are likely to take, what types of measures those governments will likely be prepared to agree to, and reviewed what we think will be the result. We also asked ourselves the question of whether that resulting verification regime could give us a reasonable level of assurance that cheating can be detected by that mechanism. Our answer to that has been no.

This does not mean, and I've referred to this in my statement, that the FMCT would be unverified. It would be the responsibility of all of the parties to use the means and methods at their disposal to reach judgments about whether other parties to the treaty were complying with the treaty. Should concerns emerge, our text does include a mechanism for asking the Security Council to consider whether there has been compliance or non-compliance with the treaty.

We think that as a practical matter that national means and methods will work more effectively than spending many years here. We should not kid ourselves -- it would take many years to negotiate something similar to the verification regime established under the Chemical Weapons Convention. We think that resulting regime would not give us any better assurance that cheating will be detected than relying on the ability of the individual states parties to use information at their disposal to make the same judgments.

QUESTION: Have you considered at all, under the Chemical Weapons Treaty eventually became an ad hoc treaty. The CD didn't really approve it because the United States, for one, wouldn't sign onto it and yet it's functioning. Do you see any similarities or any possibilities that countries that support this treaty, have been trying to get a treaty for nine years, that countries that support this treaty might create their own treaty and sort of consider it as a done deal and hope the other countries that don't agree will eventually sign on?

MR. RADEMAKER: I think you're a little bit confused. The Chemical Weapons Convention was negotiated here at the Conference on Disarmament. The United States signed it, ratified it, is today a state party to the Chemical Weapons Convention. You may be thinking of the Comprehensive Test Ban Treaty.

QUESTION: Yes, I'm sorry. Correct.

MR. RADEMAKER: Which also was negotiated here and the United States Senate rejected that treaty when it came before the Senate for approval.

Am I fearful that an FMCT would be negotiated outside of the CD?

QUESTION: No, that you might want to actually negotiate a treaty outside, if you can't get all the countries to come aboard that you might follow the example of the --

MR. RADEMAKER: There are some countries that have proposed that. Canada and Mexico made such a proposal late last year. We think that would be a bad idea. We think that would probably be the beginning of the end of the Conference on Disarmament should this issue, which has been the leading agenda item for nine years at the Conference, be removed from the conference agenda because the Conference was unable to deal with it. We think it would be a mistake to undertake such an important negotiation in a forum such as the United Nations General Assembly which was the proposal made by Canada and Mexico.

QUESTION: You said that every day there is not an FMCT it would be sort of, the value of it would be diminishing. Is that not an argument to include stocks and put them on the table so that whatever you do get at the end of the day covers what's out there?

MR. RADEMAKER: Let me explain the issue of stocks. The issue of stocks is really only an issue in the context of verification of the treaty. If we negotiate a treaty

without verification provisions there is no basis for addressing the question of stocks.

When delegations say they want the treaty to address stocks what they mean is they think that as part of the verification of the treaty there should be a mechanism under which some institution or verification entity, among other things, monitors existing stockpiles of fissile material in the inventories of the state parties. The rationale that's put forward is that one way to make sure there's no cheating going on is to measure how much fissile material countries have and if there's been an increase in the amount of fissile material then the inspectors will detect that and that would be one indicator of cheating.

As a verification tool we see little utility in that sort of approach because if a country is cheating on the FMCT they're not likely to store the product of their cheating, the fissile material that they produce in violation of their treaty obligations, at a place where international inspectors are coming to inspect previously declared fissile material. You would have to be a pretty incompetent cheater to choose to store your unlawfully produced fissile material with your declared lawful fissile material. So the verification rationale to us is very thin for doing this. But it's only in that context that the issue of stocks comes up.

Should our proposal be adopted to set aside the issue of verification, then I think necessarily the issue of existing stocks would be set aside.

QUESTION: I just wanted to further understand, you're saying you think this is a realistic goal this year because recalling the CBTB only one nation basically blocked consensus on that one and of course it did go forward. Since you're trying to deal with Iran among other countries here who might want to block consensus, is this more a throwing down the gauntlet to the CD and noting especially at the end of your speech there seemed to be a bit of a sting in the tail about possibly the last ambassador here.

MR. RADEMAKER: I suppose one might say that our proposal that the CD set for itself the goal of completing negotiations on the Fissile Material Cutoff Treaty by the end of this year is the triumph of hope over experience. We would like to think that the conference could set that as a goal and could realize that goal.

We believe it could do so. Again, take a look at the draft treaty that's in front of you. It would not be that hard to negotiate three or four pages of text between now and the end of the year should there be a determination here to do so. The problem, frankly, as I mentioned in my remarks is the problem of linkages and whether that problem can be overcome by the end of this year or not I think will be critical to whether the challenge that I put before the conference is satisfied or realized.

QUESTION: Is there a way, do you foresee, of either dealing yourselves with Iran or getting somebody else to deal with them and any other possible objectors to bring them on board?

MR. RADEMAKER: We have been in continuous dialogue with countries that in the past have established linkages. We have urged them in the past and will continue to urge them to end the hostage taking, free the hostages and allow the FMCT negotiation to go forward.

Let's be clear regarding what this hostage taking is about. The CD operates on the principle of consensus so it will only negotiate matters for which there is consensus. Hostage taking occurs when there is an item for which there is consensus, all delegations are in agreement that the issue is ripe for negotiation, and the hostage taker steps forward and says I am going to take that item for which there is otherwise consensus and I'm going to deny consensus in order to artificially create a consensus for some other item that's important to me for which there is not consensus. That's what hostage taking here is all about. We think that is highly destructive to this institution. It certainly frustrates the will of the international community and after nine years, it's quite clear that it's been highly destructive to the credibility of this institution.

QUESTION: What is the reason for the revival of this very old issue? Is it the case of Iran? Or is it also to do something maybe with India, Brazil, Pakistan?

MR. RADEMAKER: By very old issue you're referring to the FMCT?

QUESTION: Yes, sure.

MR. RADEMAKER: I think your characterization would come as a surprise to almost all of the delegations here. I think no one considers this is an issue that had died and gone away. The FMCT has been the principal pending agenda item at the Conference on Disarmament for nine years. For nine years there have been repeated efforts to find a way to permit negotiations to begin. The steps we have taken today are in full conformity and fully consistent with the kinds of things that delegations here have been doing for nine years -- to try and find a way to negotiate an FMCT. I don't think any of the delegations here would say that the FMCT is dead or an old idea. It's an idea that all delegations so far as I'm aware say they support in principle.

QUESTION: [Inaudible]?

Voice: You mean sort of why now?

QUESTION: Yes.

MR. RADEMAKER: As I indicated, for nine years delegations here have been trying to jump start negotiations on an FMCT. Today what you see is the US effort along those same lines. As far as why we're doing this today as opposed to last month or next month, these kinds of things take time within a government. It took us time to prepare this treaty text. Once we had agreement within our government on what we as a government believe an FMCT should say, we brought it here to Geneva and presented it to the other delegations for their consideration.

I would also note that consistent with everything I just said, and totally coincidentally, this week was essentially FMCT Week at the Conference on Disarmament, an entire week of discussions had been scheduled at the beginning of the year on FMCT. So it was actually a good occasion for us to come forward with our proposal.

QUESTION: I think we're all waiting for copies of the text of the speech.

Voice: We hope to have that for you very soon. WE have the paper copy. We'll get it out electronically as quickly as we can.

One more question.

QUESTION: Could you explain a little bit about the entry into force [inaudible] that you expect [inaudible]. You say the condition for entering into force is the signatory of the five nuclear powers. What idea behind this?

MR. RADEMAKER: This is one of those interesting issues that we stumbled across as we sat down to write this treaty. Internally within the United States government we confronted the question of which governments might we want to require as the essential states parties before the treaty could enter into force.

There were a number of models to look to. One was the Nuclear Non-Proliferation Treaty. Under the NPT there were three required ratifications, the United States, the United Kingdom and Russia for the Nuclear Non-Proliferation Treaty to enter into force.

As you know, the NPT entered into force, and an interesting history that many people forget, is that initially China and France refused to ratify the NPT. It took them

many years to come to the judgment that they were prepared to ratify the NPT. But the history of the NPT is that over the years more and more countries came to the conclusion that the treaty served their interest to the point where today there are only three countries in the entire world that have not ratified, or that have never ratified the NPT.

Another model would be the Comprehensive Test Ban Treaty where the negotiators adopted a very different approach. They required a very large number of countries to ratify before the treaty would enter into force. Over 30 countries. A number of those countries have yet to ratify. So as of today the Comprehensive Test Ban Treaty still has not entered into force.

As we thought about, and this was the internal thinking within the United States government, how we would want the FMCT to unfold, we were more attracted to the NPT model than to the CTBT model. We did not think there would be great utility in negotiating an instrument that never enters into force. We would want the FMCT to enter into force as soon as possible so we went more in the direction of the NPT model.

The key question that comes up is why didn't we also include as essential to the entry into force, ratification by the countries that are not today parties to the Nuclear Non-Proliferation Treaty. In the judgment of the United States there are today four countries that are not party to the Nuclear Non-Proliferation Treaty -- India, Pakistan, Israel, as well as the DPRK. As you know, the DPRK has announced its withdrawal from the NPT. There are some countries, in fact I think most countries, that for technical reasons, have concluded that they do not accept North Korea's withdrawal from the NPT as legally valid. It is clear, however, that North Korea considers that it has withdrawn from the NPT, and in fact they publicly say they are producing nuclear weapons. So there is not much question about whether they are conducting themselves as a party to the NPT.

So in our judgment there are four countries outside of the NPT and if we wanted to go beyond the five nuclear weapons States under the NPT to include those that are not subject to NPT obligations, we would have to include all four of those countries. And particularly in the case of the DPRK, which three years ago announced its withdrawal from the NPT, we see little likelihood that they are going to sign and ratify a Fissile Material Cutoff Treaty.

So to write a provision that says that the treaty enters into force upon ratification by the five nuclear weapon states as well as the four countries that are outside of the NPT would be to create another situation like that which exists today under the CTBT where we have a very nice legal instrument that is collecting dust on a shelf. We thought it was more important to bring this treaty into force.

That doesn't mean we would not want all of those countries outside of the NPT to ratify it and we would strongly urge them to do so. The question is should we render the treaty legally inoperative until they ratify it? On that question we reached the judgment that it would be self-defeating to render the treaty legally inoperative until they ratified. Thank you very much.

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