

# 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Chairman's working paper: Main Committee III

**Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolutions adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference**

1. The Conference reaffirms that the full and effective implementation of the Treaty and the regime of non-proliferation and nuclear disarmament in all its aspects has a vital role in promoting international peace and security. The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. The Conference remains convinced that universal adherence to the Treaty and full compliance of all parties with all its provisions are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices.
2. The Conference has reviewed the operation of Article III (3) and IV of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference. The Conference reaffirmed the need to uphold obligations and commitments and urges the full implementation of all previous agreements.
3. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II, III and IV of the Treaty. The Conference recognizes that this right constitutes a fundamental pillar of the Treaty. In this connection, the Conference confirms that each State party's choices and decisions in the field of peaceful uses of nuclear energy, including its fuel cycle policies, should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy.
4. The Conference reaffirms that all States parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so should also



cooperate in contributing alone or together with other States parties or international organizations to the further development of the applications of nuclear energy for peaceful purposes, in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for their development needs, in accordance with Article IV.

5. The Conference urges that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear weapons States parties to the Treaty, taking the needs of developing countries, in particular, into account.

6. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular State parties that are developing countries, to the fullest possible access to nuclear materials, equipment and technological information for peaceful purposes. Transfers of nuclear technology and international cooperation among States parties in conformity with articles I, II, III and IV of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

7. The Conference underlines the role of the International Atomic Energy Agency (IAEA) in assisting developing States parties in the peaceful uses of nuclear energy, through the development of effective and efficient programmes aimed at improving their scientific, technological and regulatory capabilities.

8. The Conference reaffirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. Moreover, the Conference emphasizes that cooperation to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world is one of the core objectives enshrined in the Statute of the IAEA. The Conference encourages all States parties to actively cooperate among themselves, and through the IAEA, in the peaceful uses and applications of nuclear energy, including through international technical cooperation.

9. The Conference reaffirms that the unimpeded exercise of the inalienable right in accordance with article IV of the Treaty is essential to maintain the balance between rights and obligations of States Parties under the Treaty, including the use of nuclear energy for peaceful purposes.

10. The Conference thus encourages, to the extent possible, transparency and inclusiveness in export control policies which should ensure and facilitate, to the fullest extent possible, the access by developing States parties to nuclear material, equipment or technology for peaceful purposes, in accordance with the provisions of the Treaty.

11. The Conference recognizes that science and technology, including nuclear science and technology, are an indispensable element in achieving social and economic development for all States parties.

12. The Conference underlines that IAEA activities in the field of nuclear power and non-power applications have contributed in an important way to meeting energy needs, improving health, combating poverty, protecting the environment, developing agriculture, managing the use of water resources and optimizing industrial

processes, thus helping to achieve the Millennium Development Goals, and that these activities, as well as bilateral and other multilateral cooperation, contribute to achieving objectives set forth in article IV of the Treaty.

13. The Conference calls upon Member States to cooperate with, and support fully, enhanced international cooperation, including the efforts of the IAEA, to expand the extent that nuclear sciences and applications are utilized to promote sustainable development for States parties, taking into account, in particular the needs of developing countries, including the achievement of the Millennium Development Goals and, when adopted, the post-2015 development agenda.

14. The Conference encourages States parties and relevant organizations in a position to do so to provide assistance, in particular to States parties that are developing countries, in order to enhance access to nuclear science and technology, through various measures including capacity-building, the provision of equipment, strengthening regional networking and regional cooperation frameworks and facilitating cooperation among developing countries.

15. The Conference reaffirms that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied at all stages by commitments to, and ongoing implementation of, safeguards as well as appropriate and effective levels of safety and security, consistent with States parties' national legislation and respective international obligations.

16. The Conference reaffirms the importance of the obligations under article IV (2) of the Treaty with regard to exports, to other States parties, of nuclear material, equipment and technology for peaceful purposes.

17. The Conference welcomes the IAEA Renovation of the Nuclear Applications Laboratories (ReNuAL) project, which is central to the IAEA's efforts to provide opportunities for nuclear applications in broader areas and to enhance the access of States parties, in particular developing countries, to the peaceful uses of nuclear technology. The Conference welcomes the contributions already pledged by countries in support of the ReNuAL project and calls upon all States parties to provide the necessary financial and other support for this project. The Conference further notes that the ReNuAL project is scheduled to commence during the course of 2015, and supports appeals for timely, additional funding to make possible the projects scheduled for commencement.

18. The Conference encourages all States parties and relevant organizations to strengthen their public communication activity, considering that education and public communication play an important role in disseminating information to, and raising the awareness of, the public in general on the utility of peaceful uses of nuclear science and technology.

19. The Conference welcomes efforts by States parties to encourage national, bilateral and international activities to train the necessary skilled workforce needed to develop peaceful uses of nuclear energy.

20. The Conference emphasizes the importance of the technical cooperation activities of the IAEA, and stresses the importance of nuclear knowledge-sharing and the transfer of nuclear technology to States parties, taking the needs of developing countries, in particular, into account, for the sustainment and further enhancement of their scientific and technological capabilities, thereby also

contributing to their socio-economic development in areas such as electricity production, human health, including the application of nuclear technology in cancer therapy, and the use of nuclear techniques in environmental protection, water resources management, industry, food security, nutrition and agriculture.

21. The Conference underscores the importance of IAEA assistance, in particular to developing countries that are States parties, in planning for and using nuclear science and technology for peaceful purposes, and the need for strengthening this role of the IAEA, and, in this regard, calls on the IAEA to maintain an appropriate balance between the promotional and other statutory activities of the IAEA, and to consider the increasing demand for technical cooperation by States parties, especially by developing countries.

22. The Conference acknowledges the central role of the IAEA Technical Cooperation Programme (TCP), to enhance the application of nuclear science and technology in many States parties, in particular, in those that are developing countries, and recognizes the Technical Cooperation Fund (TCF) as the most important mechanism for the implementation of the IAEA TCP. The Conference calls on the IAEA Member States to make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are assured, predictable and sufficient to meet the objectives mandated in article II of the IAEA Statute.

23. The Conference notes that the IAEA TCP, as one of the main vehicles for the transfer of nuclear technology for peaceful purposes, is formulated in accordance with the IAEA Statute and guiding principles, as contained in INFCIRC/267, and in accordance with relevant directives of the IAEA General Conference and the Board of Governors.

24. The Conference notes the ongoing collaborative efforts by the IAEA and its Member States, to enhance the effectiveness and efficiency of the IAEA Technical Cooperation Programme.

25. The Conference acknowledges the IAEA Peaceful Uses Initiative (PUI) as a flexible mechanism to mobilize additional resources for IAEA programmes, and complements the TCF together with other extra-budgetary contributions to the IAEA. The Conference welcomes the contributions already pledged by Parties and groups of countries in support of IAEA activities, as well as the IAEA's Resource Mobilization efforts, and encourages those States parties and relevant organizations in a position to do so to provide necessary assistance and contributions, including to the PUI, as well as to promote cooperation to this end. Such additional resources can contribute to the achievement of the Millennium Development Goals and, when adopted, the post-2015 development agenda.

26. The Conference recognizes that regional cooperative arrangements for the promotion of the peaceful use of nuclear energy can be an effective means of providing assistance and facilitating technology transfer, complementing the technical cooperation activities of IAEA in individual countries. It notes the contributions of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, the Regional Cooperative Agreement for the Advancement of Nuclear Science and Technology in Latin America and the Caribbean, the Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology for

Asia and the Pacific and the Cooperative Agreement for Arab States in Asia for Research, Development and Training related to Nuclear Science and Technology, as well as the strategy for the IAEA technical cooperation programme in the European region.

27. The Conference acknowledges that each State party has the right to define its national energy policy.

28. The Conference recognizes that a diverse portfolio of energy sources will be needed to allow access to sustainable energy and electricity resources in all regions of the world, and that States parties may pursue different ways to achieve their energy security and climate protection goals.

29. The Conference notes the Second Regional Conference on Energy and Nuclear Power in Africa organized by the IAEA in Cape Town, South Africa in May 2011, the International Ministerial Conference on Nuclear Power in the 21st Century, organized by the IAEA in Cooperation with the OECD/Nuclear Energy Agency in Saint Petersburg, Russian Federation in June 2013, and the Third Conference on Energy and Nuclear Power in Africa, co-organized by the IAEA and the International Framework for Nuclear Energy Cooperation in Mombasa, Kenya in April 2015.

30. The Conference recognizes the safety and security issues associated with nuclear energy, as well as the important issue of managing spent fuel and radioactive waste in a sustainable manner, while also recognizing the continuing international efforts to address those issues. Nuclear fuel suppliers are encouraged to work with and assist recipient States, upon request, in the safe and secure management of spent fuel.

31. The Conference recognizes that the development of an appropriate infrastructure to support the safe, secure and efficient use of nuclear power, in line with relevant IAEA standards and guidelines, is an issue of central importance, especially for States that are planning for the introduction of nuclear power.

32. The Conference emphasizes the need for States embarking on nuclear energy programmes to develop a robust national, technical, human resource, and regulatory infrastructure to ensure safety and security for all reactor and fuel cycle activities consistent with IAEA standards, guidelines, and recommendations at a very early stage of the process.

33. The Conference encourages all States, in particular those operating, constructing or planning nuclear power reactors that have not yet taken the necessary steps to become party to the Convention on Nuclear Safety, to do so.

34. The Conference encourages bilateral and multilateral efforts to promote cooperation on future approaches to nuclear power such as the International Project on Innovative Nuclear Reactors and Fuel Cycles, the International Framework for Nuclear Energy Cooperation and the Generation IV International Forum, and encourages further development of nuclear reactor technologies that are safer, more economic, more resource efficient, and reduce proliferation risks.

35. The Conference acknowledges that competent human resources are a key component for all nuclear power programmes, including new and expanding ones. The Conference underlines that partnerships and collaboration with the IAEA, as well as amongst States parties, make a valuable contribution to developing such

capacity. The Conference welcomes initiatives directed at expanding nuclear knowledge and expertise, as well as training in the field of nuclear energy.

36. The Conference stresses the importance of nuclear safety and nuclear security for the peaceful uses of nuclear energy. While nuclear safety and nuclear security are national responsibilities, the IAEA should play a key role in the development of safety standards and nuclear security guidance.

37. The Conference recognizes that nuclear safety and nuclear security have the common aim of protecting human health, society and the environment, while acknowledging the distinctions between the two areas, and affirming the importance of coordination in this regard.

38. The Conference recognizes that the primary responsibility for nuclear safety rests with individual States and reaffirms the central role of the IAEA in promoting international cooperation on nuclear safety-related matters, including through the establishment of nuclear safety standards, owing to its statutory functions and longstanding expertise.

39. The Conference stresses that any possible review of the IAEA safety standards should be carried out within the IAEA in a gradual, inclusive and transparent manner.

40. The Conference underscores the need to facilitate the effective participation of all interested States in the IAEA Safety Standards Committees given their importance.

41. The Conference recognizes that the primary responsibility for nuclear security rests with individual States and the IAEA plays a central role in the area of nuclear security and that the UN, also has an important role; and reaffirms that any process to develop international norms, guidelines or rules on nuclear security, should be developed multilaterally in a gradual, inclusive and transparent manner.

42. The Conference emphasizes that measures and initiatives aimed at strengthening nuclear safety and nuclear security should be in conformity with relevant articles under the Treaty including the inalienable right of States parties to develop research, production and use of nuclear energy for peaceful purposes.

43. The Conference encourages the efforts of the IAEA, as well as of other relevant forums, in the promotion of safety in all its aspects, and encourages all States parties to take the appropriate national, regional and international steps to enhance and foster a safety culture. The Conference encourages the continuous improvement of nuclear, radiation, transport and waste safety and appropriate subsequent actions, by recognizing the role that further analyses of the lessons learned from past experience have to play in reinforcing national, regional and international nuclear safety frameworks that serve for the peaceful uses of nuclear science and technology.

44. The Conference welcomes the activities of the IAEA directed towards the strengthening of nuclear safety in operating power and research reactors. The Conference further endorses the work of the IAEA, including in the organization of international peer review services, the support to the regulatory bodies and other relevant areas of the infrastructure of Member States through the Technical Cooperation Programme.

45. The Conference acknowledges the primary responsibility of individual States for maintaining the safety and security of their nuclear installations, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and spent fuel and radioactive waste management, as well as an independent and effective regulatory body.

46. The Conference encourages efforts to assist States parties upon request in implementing IAEA safety standards, bilaterally and through the IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase awareness in those fields, through the participation of States parties, in particular those from developing countries, in training, workshops, seminars and capacity-building in a non-discriminatory manner. The Conference underlines the fundamental importance of sustainable programmes, through national, regional and international efforts, for education and training in nuclear radiation, transport, waste safety and nuclear security, while focusing on building institutional capacity and technical and managerial capabilities in States parties.

47. The Conference welcomes the efforts made by the IAEA in the aftermath of the accident at the Fukushima Daiichi Nuclear Power Station. The Conference notes the outcomes of the Ministerial Conference on Nuclear Safety, hosted by the IAEA in June 2011, including the adoption of the Ministerial Declaration on Nuclear Safety, the Fukushima Ministerial Conference on Nuclear Safety held in December 2012 and the work towards publishing the Fukushima Report, taking into account the findings by UNSCEAR,<sup>1</sup> and other relevant international organizations, to share the lessons learned from the accident at the Fukushima Daiichi Nuclear Power Station in March 2011 for further improvement of global nuclear safety.

48. The Conference notes that the IAEA's Action Plan on Nuclear Safety has served as a significant benchmark in guiding a comprehensive and coordinated national, regional and international approach to strengthening nuclear safety, and reaffirms the importance of robust implementation of the Action Plan, including through international cooperation. The Conference also emphasizes the importance of States continuing to take active steps to fulfill the actions contained in the IAEA Action Plan on Nuclear Safety.

49. The Conference notes the Vienna Declaration on Nuclear Safety, adopted by consensus at the Diplomatic Conference of the Convention on Nuclear Safety held in February 2015, noting in particular the principles contained therein to guide the Contracting Parties to the Convention on Nuclear Safety, as appropriate, in the implementation of the objective of the Convention on Nuclear Safety on how new nuclear power plants are to be designed, sited and constructed as well as how comprehensive and systematic safety assessments are to be carried out periodically and regularly for existing installations throughout their lifetime, and also noting the decisions of Contracting Parties contained therein on inter alia the reporting and review mechanisms.

50. The Conference encourages all States that have not yet done so, to become party to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident

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<sup>1</sup> The 2013 report of the United Nations Scientific Committee on the Effects on Atomic Radiation on "Levels and effects of radiation exposure due to the nuclear accident after the 2011 great east-Japan earthquake and tsunami".

or Radiological Emergency, and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

51. The Conference encourages States parties to strengthen their national, bilateral, regional and international emergency preparedness and response mechanisms, as appropriate, to facilitate timely information exchange during a nuclear emergency, and improve bilateral, regional and international cooperation to that effect.

52. The Conference notes that the IAEA plays a key role, supported by States, in facilitating international cooperation with regard to preparedness and response to nuclear emergencies. The Conference encourages States to make use of the various services and activities offered by the IAEA to improve preparedness and response to nuclear emergencies.

53. The Conference notes the principles and objectives of the non-legally binding Code of Conduct on the Safety and Security of Radioactive Sources and Code of Conduct on the Safety of Research Reactors, and underlines the important role of the supplementary Guidance on the Import and Export of Radioactive Sources.

54. The Conference encourages States parties to strengthen the national and multinational efforts to recover orphan sources and maintain control of disused sources, and further encourages States parties to consider developing arrangements, as practicable, to permit the return of disused sources to the supplier States.

55. The Conference encourages States parties concerned, on a voluntary basis, to further minimize highly enriched uranium in civilian stocks and use, where technically and economically feasible. The Conference welcomes efforts to use non-highly enriched uranium technologies for the production of radioisotopes, taking into account the need for an assured and reliable supply of medical isotopes.

56. The Conference notes the efforts to apply best practices and basic principles, as promoted by the IAEA, in mining and processing, including those related to environmental management of uranium mining.

57. The Conference encourages States parties to promote the sharing of best practices in the areas of nuclear safety and nuclear security, taking into account confidentiality of the information concerned, including through dialogue with the nuclear industry and the private sector, as appropriate.

58. The Conference welcomes the attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear programmes, and all aspects of their remediation, including, where appropriate and technically and economically feasible, safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas.

59. The Conference encourages all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

60. The Conference recognizes that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent,



and stresses the importance of international cooperation to maintain and enhance the safety of international transport.

61. The Conference reaffirms maritime and air navigation rights and freedoms as provided for in international law and as reflected in relevant international instruments.

62. The Conference endorses the IAEA standards for the safe transport of radioactive material and affirms that it is in the interest of all States parties that the transportation of radioactive materials continues to be conducted consistent with international safety, security and environmental protection standards and guidelines. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea and, in this regard, welcomes continuing efforts to improve communication between shipping and coastal States for the purpose of addressing concerns regarding transport safety, security and emergency preparedness.

63. The Conference notes the guidelines on best practices for Voluntary and Confidential Government-to-Government Communications on the transport of MOX Fuel, high level radioactive waste and, as appropriate, irradiated nuclear fuel by sea, and encourages the continuation of the positive dialogue process between shipping and coastal States aimed at improving mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive material, taking into account necessary confidentiality for security purposes. The Conference notes the Tabletop Exercise to be conducted within the Framework of the Dialogue between Coastal and Shipping States in June 2015.

64. The Conference considers that attacks or threats of attacks on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety, have dangerous political, economic and environmental implications and could raise serious issues pertaining to international law, and therefore calls upon all States parties, pursuant to action 64 of the 2010 Action plan, to abide by the decision of the IAEA General Conference of 18 September 2009, GC(53)/DEC/13, on prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction.

65. The Conference welcomes the entry into force of the Convention on Supplementary Compensation for Nuclear Damage on 15 April 2015.

66. The Conference recalls the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention Supplementary to the Paris Convention, the Joint Protocol Related to the Application of the Vienna Convention and the Paris Convention and the protocols amending these conventions, and the Convention on Supplementary Compensation for Nuclear Damage, and notes that these conventions can provide the basis for establishing a worldwide nuclear liability regime based on the principles of nuclear liability law.

67. The Conference stresses the importance of having effective nuclear liability mechanisms in place both at national and international levels to ensure prompt and adequate compensation for nuclear damage to people, property and the environment as well as actual economic loss due to a radiological accident or an incident during the transport of radioactive material, including maritime transport, and notes the application of the principles of nuclear liability, including strict and exclusive

liability, in the event of a nuclear accident or an incident during the transport of radioactive material.

68. The Conference notes the establishment of a reserve of low-enriched uranium (LEU) in the Russian Federation in December 2010 for the use of IAEA Member States, as well as the establishment of an IAEA owned and operated LEU Bank, approved by the IAEA Board of Governors in December 2010 and welcomes Kazakhstan's offer to host the IAEA LEU Bank.

69. The Conference notes discussions undertaken under the auspices of the IAEA or other regional or international forums to develop multilateral approaches to the nuclear fuel cycle, including the possibilities to create, in a non-discriminatory and transparent fashion, mechanisms for assurance of nuclear fuel supply. Such approaches, without restricting States parties' rights under the Treaty and without any prejudice to national fuel cycle policies, should address the technical, legal and economic complexities surrounding these issues, including the application of IAEA full scope safeguards, nuclear safety and nuclear security norms, in a manner wholly consistent with the inalienable right of States parties to the NPT to develop research, production and use of nuclear energy for peaceful purposes, acknowledged in article IV of the Treaty.

70. While recognizing that the ultimate responsibility for ensuring the safety of spent fuel and radioactive waste management rests with the State, the Conference encourages international cooperation in the safe management of spent fuel and radioactive waste, including exploring multinational approaches to their storage and disposal.

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