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Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

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**Implementing the Treaty on the Non-Proliferation of
Nuclear Weapons: nuclear non-proliferation****Working paper submitted by the United States of America¹**

Item 20 of the 2010 Action Plan calls upon Treaty parties to submit regular reports within the framework of the strengthened review process of the Treaty. This paper reports on measures the United States has taken since the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to strengthen the non-proliferation pillar of the Treaty, including steps to implement the consensus Action Plan. Much has been accomplished since 2010, but much remains to be done. Success requires the cooperation and active participation of all states, in particular the States parties to the Treaty, which remains the cornerstone of the international nuclear non-proliferation regime.

When President Obama, in Prague in 2009, set an agenda to prevent the spread of nuclear weapons he identified nuclear disarmament, peaceful uses of nuclear energy, and nonproliferation. In the latter area, he identified three specific goals: (a) strengthen the Treaty on the Non-Proliferation of Nuclear Weapons as a basis for cooperation; (b) provide sufficient resources and authority to the International Atomic Energy Agency (IAEA) to carry out its inspection responsibilities; and (c) confront the threat of nuclear terrorism.

The United States of America is advancing all three of these non-proliferation objectives, as well as supporting nuclear-weapon-free zones that have been developed in accordance with the guidelines adopted by the United Nations Disarmament Commission.

Strengthening the Treaty

Articles I, II and III comprise the non-proliferation obligations of all Treaty Parties by prohibiting the transfer or acquisition of nuclear weapons or other nuclear explosive devices, under any circumstances, and by requiring that non-nuclear-weapon States accept IAEA verification that nuclear energy is not being used for purposes prohibited by the Treaty.

¹ This paper updates the U.S. paper on the same subject submitted at the first session (2012) of the Preparatory Committee for 2015 NPT Review Conference (NPT/CONF.2015/PC.I/WP.21).



Non-transfer of nuclear weapons or material for nuclear weapons purposes

The United States meets its obligations under Articles I and III in several ways, including: by ensuring that its nuclear weapons are securely under the control of the United States; by not transferring these weapons or control over these weapons to any other state; and by ensuring that technology, equipment and nuclear material provided to other states is used only for peaceful purposes and is conveyed responsibly, including the application of IAEA safeguards.

Safeguards of the International Atomic Energy Agency

Article III requires non-nuclear-weapon States to conclude with the IAEA a Comprehensive Safeguards Agreement to verify that nuclear energy is not diverted to nuclear weapons or other nuclear explosive devices and that IAEA safeguards are applied to all material (i.e., all source or special fissionable material) in all peaceful nuclear activities in such states. We note that 13 Treaty Parties have not yet concluded a Comprehensive Safeguards Agreement, and we strongly urge these states to take the steps necessary to bring such agreements into force.

The IAEA has made clear that it cannot provide credible assurances of the absence of undeclared nuclear activities in a state without the additional authorities contained in the Model Protocol Additional to the Agreements between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540). A state that has an Additional Protocol in force provides the IAEA with additional information and access regarding the activities of the state, strengthening the Agency's ability to determine whether the state has undeclared nuclear activities or material. Only for a state with both a comprehensive safeguards agreement and an Additional Protocol in force, when all necessary evaluations have been completed, does the Agency draw the broader conclusion that all nuclear material in the State has remained in peaceful activities. The 2010 Review Conference called on all parties to bring an Additional Protocol into force as quickly as possible. As of April 2013, 119 states have done so, 18 since the 2010 Review Conference. This sends a clear signal that the Protocol has become widely accepted as the norm for safeguards. The United States believes that a comprehensive safeguards agreement, together with an Additional Protocol, should be considered the international standard for IAEA safeguards, and we encourage the remaining states to bring a Protocol into force as soon as possible. The significant number of Additional Protocols already in force demonstrates broad support toward universality.

The United States wants to ensure that all states develop the capacity needed for effective implementation of their obligations under their safeguards agreements. Assistance is available from the IAEA, regional organizations, and many Member States. In addition, the U.S. Department of Energy offers technical assistance on safeguards implementation, and we are proud to be working with several states that are implementing or preparing to implement their respective Additional Protocols. As we continue to encourage states to adopt the highest standards of nuclear safeguards, the United States remains willing to assist Member States to overcome any technical challenges or concerns they may have.

While not required to do so by Article III of the Treaty, the United States brought into force a "voluntary offer" safeguards agreement (INFCIRC/288) in 1980, and in 2009 the United States brought into force an Additional Protocol to that

agreement. Under the voluntary offer agreement, the United States has made almost 300 nuclear facilities eligible for the application of IAEA safeguards, including its nuclear power and research reactors, nuclear fuel fabrication plants, uranium conversion facilities, uranium enrichment plants, and other types of facilities. The IAEA has the right to select any of these facilities for safeguards. To date, the IAEA has conducted almost 800 inspections at nuclear facilities in the United States under the Voluntary Offer Agreement since it entered into force in 1980. Under the Additional Protocol to its safeguards agreement, the United States declared more than 330 activities to the IAEA last year. These included activities in the areas of fuel-cycle research and development, uranium mining and concentration, and the manufacture of items outlined in Annex I of INFCIRC/540. As part of its obligations, the United States also submits quarterly reports on exports of Annex II items. In 2010, the United States hosted the first complementary access visits conducted in a nuclear weapon State.

These agreements demonstrate the willingness of the United States to accept the same IAEA safeguards procedures on its civil nuclear facilities that non-nuclear-weapon States are required to accept and provide an opportunity for the IAEA to develop new safeguards technologies and approaches to strengthen the international safeguards system.

Strengthening the International Atomic Energy Agency

With the number of safeguards agreements, Additional Protocols, and facilities under safeguards increasing, President Obama has made clear that the IAEA needs sufficient resources to carry out its mission and essential functions. Most recently, in September 2011, the General Conference of the IAEA approved the Board's recommendation of a nominal 3.2 per cent increase for 2012 — a 2.1 per cent increase in real terms, which provided increases in most areas of the Agency's work, including safeguards.

The United States has also increased its voluntary contributions to IAEA safeguards. Because the IAEA regular budget leaves unfunded many core activities related to safeguards, in 1977, the United States established the Program of Technical Assistance to IAEA Safeguards to provide technical assistance to strengthen safeguards. Since then, 19 other States and the European Commission have developed support programs that provide technical assistance to the IAEA Department of Safeguards. In recent years, the Program has sponsored many tasks designed to assist the Agency in developing programs in training, environmental sampling, containment and surveillance systems, remote monitoring, information technology and other areas. These efforts allow the IAEA to maintain a more capable inspectorate and field more modern technologies to improve the effectiveness and efficiency of its safeguards system.

The United States is also a leading partner in IAEA efforts to replace a key part of the Agency's safeguards analytical laboratory — the Nuclear Material Laboratory. The new laboratory is necessary to maintain the Agency's independent verification under the Treaty. The United States and other states are working to ensure that the IAEA receives all of the resources necessary to complete the new laboratory by the end of 2014, when the existing Nuclear Material Laboratory will cease operations. Support from the United States includes more than \$14 million in

extrabudgetary contributions and technical expertise to assist IAEA with planning and coordination for the new laboratory.

Export Controls

Article III links safeguards to export controls. Specifically, it requires that all nuclear materials and specially designed equipment be subject to the safeguards required by the Treaty. Under its Atomic Energy Act of 1954, as amended, and the Nuclear Non-Proliferation Act of 1978, the United States maintains a rigorous and comprehensive system of export controls for nuclear and nuclear-related dual-use items and technology. Export controls in this area are not intended to deny states equipment and technology for legitimate peaceful purposes, but rather to facilitate commerce for such purposes by providing essential assurances to exporters and the international community that such equipment and technology will be used only for peaceful purposes in a transparent manner. This system of export controls helps fulfill U.S. obligations under Articles I and III of the Treaty and UN Security Council Resolution 1540 (2004).

Nuclear-weapon-free zones

Article VII of the Treaty recognizes the right of countries to establish nuclear-weapon-free zones in their regions. In protocols to treaties establishing such zones, nuclear-weapon States agree not to use or threaten use of nuclear weapons against States that are party to the nuclear-weapon-free zone treaties.

The United States believes that nuclear-weapon-free treaties provide valuable regional reinforcement to the global non-proliferation regime. They can contribute to regional and international peace, security, and stability when they are properly crafted and rigorously implemented under appropriate conditions. This includes, inter alia, that the initiative for creating the zone comes from states in the region concerned, that all states whose participation is deemed important participate in the zone, and that there is adequate verification of compliance with the zone's provisions.

The United States is party to Additional Protocols I and II of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. The United States also is a signatory to the relevant Protocols to the South Pacific Nuclear Free Zone Treaty and the African Nuclear-Weapon-Free Zone Treaty, and has submitted these Protocols to the United States Senate for its advice and consent to ratification. Consistent with the commitment made at the 2010 Review Conference, the issues related to the Protocol of the South-East Asia Nuclear-Weapon-Free Zone have been resolved, and the United States looks forward to signing the Protocol in the near future. The United States is continuing to consult the other nuclear weapon states and with parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia in an effort to reach agreement that would allow us to sign the Treaty's Protocol.

Compliance

All parties must comply, fully, with the Treaty. In 2009 President Obama spoke emphatically in Prague about Treaty compliance: "Rules must be binding. Violations must be punished. Words must mean something. The world must stand together to prevent the spread of these weapons." The 2010 Action Plan called on Treaty parties to support the resolution of all cases of non-compliance with IAEA safeguards and

other non-proliferation requirements. With very few exceptions, non-nuclear-weapon States Parties to the Treaty comply with its provisions and are working with partners to strengthen Treaty implementation. Unfortunately, however, challenges to full compliance with the nuclear non-proliferation regime remain.

We remain concerned by the persistent failure of the Islamic Republic of Iran to comply with its non-proliferation obligations, including IAEA safeguards obligations and relevant Security Council resolutions, and take note of the most recent round of talks between the P5+1 and Iran in Almaty, Kazakhstan, which followed a previous meeting in Almaty and a round of technical discussions in Istanbul. While the talks were substantive, it became clear that a significant gulf remains between the P5+1 and Iran. The Treaty forms a key basis, together with the relevant resolutions of the Security Council and the IAEA Board of Governors, for what must be serious engagement on the nuclear program of the Islamic Republic of Iran to ensure all the obligations under the Treaty are met by the country, while fully respecting its right to the peaceful use of nuclear energy in conformity with Articles I, II and III of the Treaty. We are concerned that the Islamic Republic of Iran continues its refusal to cooperate with the IAEA to resolve the outstanding issues related to the possible military dimensions of Iran's nuclear program, including by not coming to agreement with the IAEA on a structured approach or granting access to the requested location within the Parchin facility. We are also gravely concerned about Iran's decision to install advanced IR-2m centrifuges at the Natanz Fuel Enrichment Plant.

We also note that the case of Syria's safeguards noncompliance remains unresolved. It has been nearly two years since the Board of Governors found Syria in noncompliance with its safeguards agreement for the clandestine construction of a nuclear reactor at Dair Alzour. The Director-General of the IAEA reported in May 2011 that the facility destroyed in 2007 at Dair Alzour in the Syrian Arab Republic was "very likely" an undeclared nuclear reactor which should have been reported to the Agency pursuant to Syria's safeguards agreement. As with the Islamic Republic of Iran, it remains critically important that the Syrian Arab Republic fully cooperates with the IAEA and return to full compliance with its safeguards agreement.

The United States strongly condemns the nuclear test conducted by the Democratic People's Republic of Korea (DPRK) on February 12, 2013, and the DPRK's continued development of its nuclear and ballistic missile programs in direct violation of UN Security Council Resolutions 1718, 1874, 2087, and 2094. These activities undermine the global nonproliferation regime and threaten international peace and security. We remain committed to the goal of verifiable denuclearization of the Korean Peninsula in a peaceful manner and seek the complete, verifiable, and irreversible denuclearization of the Korean Peninsula through authentic and credible negotiations. We urge the DPRK to refrain from further provocations, and to take concrete and constructive steps to comply with its commitments under the 2005 Joint Statement of the Six-Party Talks and its obligations under all relevant UN Security Council resolutions, abandon all nuclear weapons and existing nuclear programs, and return to the NPT and IAEA safeguards.

International conventions

The United States is a party to the Convention on the Physical Protection of Nuclear Material and has signed the amendment, which was adopted in 2005. The United States is also a signatory to the International Convention for the Suppression of Acts of Nuclear Terrorism. The U.S. Senate provided its advice and consent to both the International Convention for the Suppression of Acts of Nuclear Terrorism and the amendment to the Convention on the Physical Protection of Nuclear Material in 2008, and ratification is pending passage of implementing legislation.

Securing fissile material

In April 2010 the gathering of 47 global leaders in Washington, D.C. at the first Nuclear Security Summit, hosted by President Obama, committed to work together to secure vulnerable nuclear material. They highlighted the key role of the IAEA in supporting the efforts of its member States in protecting their nuclear materials, and they endorsed the existing international legal architecture that governs nuclear security, such as the amended Convention on the Physical Protection of Nuclear Material, the International Convention for the Suppression of Acts of Nuclear Terrorism, and UN Security Council Resolution 1540 (2004). The Nuclear Security Summit process has been an integral part of the Obama Administration's strategy for leading a worldwide effort to secure vulnerable nuclear material.

The second Nuclear Security Summit was held March 2012 in Seoul. Fifty-three national leaders, as well as heads of the European Union, the IAEA, INTERPOL, and the United Nations attended the Seoul Summit. In a detailed communiqué, Summit participants agreed to build on the objectives and measures set out in the Washington, D.C. Summit communiqué and to advance important nuclear security goals. These goals include minimizing civilian use of highly enriched uranium by sustaining the supply of medical isotopes used to treat cancer and heart disease without the use of highly enriched uranium; securing radioactive sources; promoting the security of nuclear materials while in transit; establishing and coordinating Centers of Excellence; thwarting illicit trafficking of nuclear and other radioactive materials; and drafting national legislation to implement nuclear security agreements.

At the Washington, D.C. Summit, thirty-two countries made more than 70 commitments on specific actions to enhance nuclear security, 90% of which were completed before the Seoul Summit. In Seoul, countries provided progress reports outlining their accomplishments since the Washington, D.C. Summit. Additional announcements at the Seoul Summit include the trilateral work at Degelen Mountain among Kazakhstan, the Russian Federation and the United States at Degelen Mountain, the removal of all plutonium from Sweden and an agreement to convert molybdenum-99 production to low-enriched uranium targets in the Netherlands and Belgium. The next Nuclear Security Summit will be held in 2014 in the Netherlands.

Security Council Resolution 1540 (2004)

UN Security Council Resolution 1540 (2004) was adopted under Chapter VII of the Charter of the United Nations, making its provisions binding on all Member States. UNSCR 1540 (2004) is designed to prevent the proliferation of weapons of

mass destruction and their delivery systems, particularly to non-State actors, as well as the illicit spread of related materials. The Resolution requires that states undertake specific steps to strengthen their non-proliferation and chemical, biological and nuclear security capabilities, including accounting for, securing, and physically protecting nuclear weapons related materials and strengthening border and export controls over such items. The Resolution also requires that states put in place measures to prevent the financing of proliferation activities. Finally, the Resolution also created a committee to oversee efforts by United Nations Member States to implement the Resolution. In 2011, the Security Council unanimously extended the 1540 Committee's mandate for 10 years.

In support of UNSCR 1540 (2004), the United States has made voluntary contributions of \$4.5 million to the United Nations Trust Fund for Global and Regional Disarmament Activities to support global 1540 implementation activities. In 2011, the 1540 Committee and its Expert Group visited the United States and were briefed on U.S. initiatives to implement UNSCR1540 (2004), including a review of laws and regulations that are designed to prevent the transfer of weapons of mass destruction and their delivery systems and to control such materials. The visit enabled the United States to share its strategy for its implementation of UNSCR 1540, to share expertise in regulating these areas, and to respond to questions from the Committee. The Resolution is essential for the maintenance of international peace and security, and the United States will continue to work for full implementation of UNSCR 1540.

Global Initiative to Combat Nuclear Terrorism

The United States and Russia co-chair the Global Initiative to Combat Nuclear Terrorism. Currently, 85 countries and 4 official observers (the European Union, the IAEA, INTERPOL and the United Nations Office on Drugs and Crime) participate as partners in the Global Initiative. The Initiative aims to improve global capacity to prevent, detect and respond to nuclear terrorism through multilateral activities that strengthen the policies, procedures, and interoperability of partner States. Partners in the Initiative commit to a set of core nuclear security principles that call for improving accounting, control, and protection of nuclear and radiological materials and facilities; developing capabilities to detect and halt illicit trafficking of such materials; preventing terrorists and other non-state actors from acquiring nuclear materials; strengthening legal frameworks to counter nuclear-terrorism-related activity; sharing information; and developing a capability to respond to and mitigate acts of nuclear terrorism. The Implementation and Assessment Group, currently chaired by Spain, works to ensure that activities of the Initiative are coordinated with and complement existing international efforts.

Global Partnership

The Global Partnership against the Spread of Weapons and Materials of Mass Destruction was initiated at the 2002 Group of Eight (G-8) Summit in Kananaskis, Canada, as a 10-year cooperative effort to prevent terrorists or States that support terrorists from acquiring or developing weapons of mass destruction. Since then, the Global Partnership has grown to 25 partners and has allocated about \$21 billion worldwide. The Global Partnership was extended at the 2011 G-8 Summit in Deauville, France. The United States plans to provide up to \$10 billion in continued

funding for threat reduction efforts from 2012 to 2022, subject to annual Congressional appropriations.

The Partnership initially focused on cooperative threat reduction projects in the Russian Federation. As a result of these efforts, more than 190 Soviet nuclear submarines have been dismantled, thousands of tons of chemical weapons destroyed and thousands of radioactive sources secured. The Partnership has now expanded its efforts geographically to address global threats. As Chair of the Partnership in 2012, the United States focused on the areas enunciated at the 2011 G-8 Summit, specifically nuclear and radiological security, biosecurity, scientist engagement, and facilitating the implementation of Security Council resolution 1540 (2004). To realize efforts within these new areas of engagement, the Global Partnership invited a number of international organizations to meetings and utilized sub-working groups to clearly define the framework for project engagement and assistance. This culminated in the formation of the Biosecurity Sub-Working Group, the Chemical Security Working Group, the Nuclear and Radiological Sub-Working Group, and the Centers of Excellence Sub-Working Group.
