

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

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## Third session

New York, 28 April-9 May 2014

### Explanatory Note:

The 1995 NPT Review Conference adopted Decision 1 on “Strengthening the review process for the Treaty” ([NPT/CONF.1995/32](#) (Part I)). The 2000 NPT Review Conference adopted a Final Document, which included “Improving the effectiveness of the strengthened review process for the Treaty” that inter alia stated, “7. The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth sessions, *the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference*” [emphasis added]. [NPT/CONF.2000/28](#) (Parts I and II).

Thus, the first two sessions of the Preparatory Committee are mandated to produce factual summaries, while the third (last) session is mandated to make every effort to produce a consensus report containing recommendations to the Review Conference.

In pursuit of the full, effective and urgent implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and building upon the practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non Proliferation of Nuclear Weapons, the Preparatory Committee reaffirms the need for the full implementation of the action plan agreed to at the 2010 Review Conference.

Accordingly, the following “Report of the Preparatory Committee containing recommendations to the Review Conference” is presented for the consideration of States Parties present at the 2014 session of the Preparatory Committee. It is the Chair’s best effort to reflect the views and positions of States at the Preparatory Committee across their divergences and convergences, without prejudice to the work of the Review Conference, and does not reflect their final positions which will be presented by them at the 2015 Review Conference. The paper reflects the Chair’s assessment of the elements on which the Preparatory Committee may have been able to evolve convergence sufficient to convey the following recommendations to the Review Conference in a spirit of flexibility and compromise.



The work of the third session of the Preparatory Committee was carried out in a positive spirit which continued to the very end. The draft recommendations were well received by the States parties, who indicated that further consideration of the recommendations could lead to a consensus, however, given the lack of time to engage in further consultations and negotiations, the Chair decided to convey the recommendations to the Review Conference in the form of a working paper under his own authority.

The working paper is submitted under the Chair's own responsibility without prejudice to the position of any delegation or to the final outcome of the 2015 Review Conference.

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Chairman's Working Paper<sup>1</sup>**Recommendations by the Chair to the 2015 NPT Review Conference**

The Preparatory Committee reaffirms the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty, and accordingly adopts the following recommendations to the 2015 NPT Review Conference, without prejudice to the work of the Review Conference. States parties presented a rich menu of suggestions and proposals for consideration at the third session of the Preparatory Committee, inter alia, across the three pillars of the Treaty, regional issues, and universality, for inclusion in recommendations to the 2015 Review Conference including the following possible actions and steps.

**I. Nuclear disarmament**

1. The Preparatory Committee recalls and reaffirms the importance of the full implementation by all States parties, especially the nuclear-weapon States, of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Review Conference decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and recalling and building upon the practical steps for achieving nuclear disarmament agreed by consensus in the Final Document of the 2000 Review Conference, the Preparatory Committee reaffirms the effective and urgent implementation in full of article VI of the Treaty and the action plan on nuclear disarmament agreed at the 2010 Review Conference, which includes concrete steps for the total elimination of nuclear weapons.
2. Towards that end, the Preparatory Committee recommends that the 2015 Review Conference take stock of the national reports and working papers submitted by the nuclear-weapon States on their undertaking to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2010 Review Conference, and consider the next steps for the full implementation of article VI and the steps and actions agreed at the NPT Conferences in 1995, 2000 and 2010, including the following:
  - a. Urging the pursuit of policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons;
  - b. Calling for accelerated actions by the nuclear-weapon States in implementing the unequivocal undertaking to accomplish the total elimination of their nuclear arsenals, in an irreversible, transparent and verifiable manner, as well as concrete and measureable steps to reduce the high alert status of nuclear weapon systems and steps to reduce the risk of their accidental use, including through unilateral, bilateral, regional and multilateral measures;
  - c. Calling for the prompt and full implementation by States parties of any commitments yet to be fulfilled contained in the action plan on nuclear disarmament adopted at the 2010 Review Conference,

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<sup>1</sup> This Working Paper is being submitted to the Review Conference under his own authority.

particularly the commitments undertaken by the nuclear-weapon States in Action 5 and including the specification of agreed timelines for their completion;

d. Encouraging the nuclear-weapon States not to develop new types of nuclear weapons, qualitative improvements to existing nuclear weapons and new missions for nuclear weapons and related facilities, and further minimize the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

e. Taking note of the reports submitted by the nuclear-weapon States in a common standard format and encourage more detailed and specific reports building upon their continuing efforts to further enhance transparency and increase mutual confidence, including through the regular meetings of the nuclear-weapon States;

f. Further considering the devastation that would be visited upon all humankind by any use of nuclear weapons, and since there is no competent international capacity to address the resulting catastrophic humanitarian consequences; reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law; and considering the new proposals and initiatives from Governments and civil society related to achieving a world free of nuclear weapons;

g. Taking note of the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, to consider the elaboration of a comprehensive, negotiated legally-binding structured framework to achieve and maintain a world without nuclear weapons, comprised of separate mutually reinforcing instruments, backed by a strong system of verification; as well as defined benchmarks and timelines;

3. The 2015 Review Conference should reaffirm the importance of various multilateral measures that can and should be taken in support of a world without nuclear weapons, including:

a. The entry into force as soon as possible of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), recalling the responsibility of all States to promote that Treaty; the urgency the signature and/or ratification of the CTBT by the remaining eight Annex 2 States necessary for the entry into force of the CTBT; pending the entry into force of the CTBT, the maintenance of moratoria on nuclear test explosions and refrain from any action that could defeat the objective and purpose of the CTBT; and increased support for the Provisional Technical Secretariat and the International Monitoring System;

b. The immediate commencement of negotiations at the Conference on Disarmament, within the context of an agreed, comprehensive and balanced programme of work, of a verifiable, non-discriminatory and universal treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices; pending the conclusion of such negotiations the maintenance of a moratorium on the production of fissile material for use in nuclear weapons in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein; the designation and placement under International Atomic Energy Agency (IAEA) safeguards of fissile material no longer required for military programmes to ensure the irreversible removal of such fissile material, and the initiation of processes to dismantle or convert associated fissile material

production facilities; and the successful conclusion of the work of the group of governmental experts established pursuant to United Nations General Assembly resolution A/RES/67/53;

c. Immediate discussion at the Conference on Disarmament, within the context of an agreed, comprehensive and balanced programme of work, of effective international legally binding arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument, and recognition of the need to fully respect their existing commitments with regard to security assurances;

d. The establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned, the entry into force of all Protocols to nuclear-weapon-free zone treaties, and review of any related reservations; Recognition of the five existing nuclear weapon-free zone treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and on a Nuclear-Weapon-Free Zone in Central Asia, and Mongolia's nuclear-weapon-free status, as important contributions to achieving a world without nuclear weapons and to strengthening regional security; and welcome the signing by the nuclear-weapon States of the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia on 6 May 2014.

4. The 2015 Review Conference should consider additional measures, including those that would enhance confidence through increased transparency and developing effective and efficient verification capabilities related to nuclear disarmament, including:

a. Implementing initiatives in the field of disarmament and non-proliferation education, including continued efforts to educate the new generation, the use of new information and communications technology, as well as collaboration among governments, international organisations, non-governmental organisations, academic institutions and the private sector;

b. Stressing the importance of regular structured reports by all States parties within the framework of the strengthened review process of the Treaty, on the implementation of article VI, the 2010 action plan, the practical steps agreed to in the Final Document of the 2000 Review Conference, and paragraph 4(c) of the 1995 Decision 2.

## **II. Nuclear non-proliferation**

5. The Preparatory Committee recalls and reaffirms Decision 2 of the 1995 Review and Extension Conference entitled "Principles and objectives for nuclear non-proliferation and disarmament", noting paragraph 1 of the principles and the elements relevant to article III of the Treaty, in particular paragraphs 9 to 13 and 17 to 19, and to article VII, in particular paragraphs 5 to 7. It also recalls and reaffirms the Resolution on the Middle East adopted at that Conference. The Preparatory Committee also recalls and reaffirms the outcomes of the 2000 and 2010 Review Conferences.

6. The 2015 Review Conference should underline the importance of further promoting non-proliferation commitments, including by:

- a. Urging the 12 States parties that have not yet done so to conclude and bring into force comprehensive safeguards agreements with the IAEA as soon as possible;
- b. Encouraging all States parties with small quantities protocols to either amend or rescind them, as appropriate;
- c. Encouraging all States parties which have not yet done so to conclude and bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force;
- d. Supporting the IAEA in exercising fully its mandate and authority to verify the declared use of nuclear material and facilities and the absence of undeclared nuclear material and activities in States parties in conformity with comprehensive safeguards agreements and, where relevant, with additional protocols, respectively;
- e. Providing political, technical and financial support to IAEA to be able to meet effectively its responsibility to apply safeguards as required by article III of the Treaty, and to enhance the related technology base;
- f. Supporting the IAEA to ensure that IAEA comprehensive safeguards apply to all source or special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III of the Treaty;
- g. Reaffirming the importance in complying with non-proliferation obligations and in addressing all compliance matters in order to uphold the Treaty's integrity and the authority of the IAEA safeguards system.

7. The 2015 Review Conference should consider measures aimed at ensuring that nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference, including by:

- a. Encouraging States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls;
- b. Encouraging States parties when making nuclear export decisions to consider whether a recipient State has in force a full-scope IAEA safeguards agreement;
- c. Encouraging the further development and application of measures regarding nuclear-related exports in an open and transparent manner, observing the legitimate right of all States parties, in

particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes, and facilitating transfers of nuclear technology and materials and international cooperation among States parties, in conformity with articles I, II, III and IV of the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty.

8. The 2015 Review Conference should consider measures intended to enhance effective physical protection of all nuclear material and nuclear facilities, and the need for strengthening international cooperation in this respect, bearing in mind that the primary responsibility for nuclear security rests with individual States, including by:

a. Encouraging all States parties to maintain the highest standards of security and physical protection of nuclear material and nuclear facilities, as well as to support efforts to increase the security of radioactive sources;

b. Recognizing the central role of the IAEA in strengthening the global nuclear security framework, and in leading the coordination of international activities in the field of nuclear security, while avoiding duplications and overlaps;

c. Encouraging all States parties to use, on a voluntary basis, the IAEA's nuclear security advisory services, including the Physical Protection Advisory Service and the Integrated Nuclear Security Support Plans;

d. Calling upon the States parties that had not yet done so to adhere as soon as possible to the Convention on the Physical Protection of Physical Materials (CPPNM) and its 2005 Amendment, the International Convention on the Suppression of Acts of Nuclear Terrorism, as well as to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in IAEA document INFCIRC/225/Revision 5 and in the IAEA Nuclear Security Series publications, and to implement the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources;

e. Calling upon the States parties and the IAEA to continue efforts to promote the entry into force of the 2005 Amendment to the CPPNM at the earliest possible date;

f. Encouraging all States parties that have not yet done so to join and participate actively in the IAEA Incident and Trafficking Database.

### **III. Peaceful uses of nuclear energy**

9. The Preparatory Committee 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, recalls that all States should act in conformity with all provisions of the Treaty, recalls and reaffirms the outcomes of the 1995, 2000 and 2010 Review Conferences and recommends that the 2015 Review Conference call upon States parties to:

- a. Respect fully each country's choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies;
- b. Undertake to facilitate, and reaffirm the right of States parties to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, including the transfer of nuclear technology in conformity with the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty;
- c. Cooperate, in accordance with article IV, with other States parties or international organizations in the further development of nuclear energy for peaceful purposes, with due consideration for the needs of the developing areas of the world;
- d. Give preferential treatment to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account;
- e. Strengthen the IAEA technical cooperation programme in assisting developing States parties in the peaceful uses of nuclear energy and make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable;
- f. Ensure that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by commitments to and ongoing implementation of safeguards as well as the highest levels of safety and security;
- g. Consider the further development, in a non-discriminatory and transparency manner under the auspices of IAEA or regional forums, of multilateral approaches to the nuclear fuel cycle, while taking into account the interests of all States parties as well as all technical, legal, political and economic complexities surrounding these issues and without prejudice to the rights of States parties under the Treaty, including their national fuel cycle policies;
- h. Become party, if they have not yet done so, 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 or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, as well as to implement the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources;
- i. Encourage further voluntary steps to minimise the use and stockpiles of high-enriched uranium in the civilian sector, where technically and economically feasible and taking into account the need for an assured and reliable supply of medical isotopes, as well as to encourage the further use of low-enriched uranium targets for radioisotope production;
- j. Transport radioactive materials consistent with relevant international standards of safety, security and environmental protection and to continue communication between shipping and coastal States regarding concerns over potential accidents or incidents during the transport of radioactive materials;



k. Bring into in force a civil nuclear liability regime by becoming party to relevant international instruments or adopting suitable national legislation, based upon the principles established by the main pertinent international instruments;

l. Abide by the decision adopted by consensus at the IAEA General Conference on 18 September 2009 on prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction, as agreed at the 2010 Review Conference.

#### IV. Regional Issues

10. The Preparatory Committee notes the importance of the implementation of the 1995 Resolution on the Middle East, and the related outcomes of the 2000 and 2010 Review Conferences; including the convening without further delay of the postponed 2012 Conference, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction on the basis of arrangements freely arrived at by the States of the region, taking as its terms of reference the 1995 Resolution.

11. The Preparatory Committee welcomes the letters deposited with the Secretary-General of the United Nations by the members of the League of Arab States and the Islamic Republic of Iran in which they, *inter alia*, endorsed the declaration of the Middle East as a zone free of nuclear weapons and other weapons of mass destruction; and also welcomes the Report of the Facilitator.

12. The Preparatory Committee notes the disappointment of States parties on the postponement of the 2012 Conference, as agreed at the 2010 Review Conference; notes the commitments of the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, to hold the postponed 2012 Conference this year as soon as agreement is reached, with the support of the Facilitator, among the States of the region on the practical arrangements, and with the support of the nuclear-weapon States.

13. The Preparatory Committee recommends that the 2015 Review Conference: reaffirm the importance of the implementation of the 1995 Resolution and the related outcomes of the 2000 and 2010 NPT Review Conferences; stress that the Resolution remains valid until the goals and objectives are achieved; underscore that the Resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995; resolve that States parties undertake, individually and collectively, all necessary measures aimed at the prompt implementation of the 1995 Resolution and the related outcomes of the 2000 and 2010 Review Conferences.

14. The Preparatory Committee recommends that the 2015 Review Conference: express serious concern about the Democratic People's Republic of Korea's nuclear programme; also reaffirm that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty; urgently call upon to the Democratic People's Republic of Korea to cease conducting any further nuclear tests, fulfil without delay all of its international obligations, return at an early date to the NPT and its IAEA safeguards agreement, and abandon all nuclear programmes in a complete, verifiable and irreversible manner; and to this end call for the resumption of diplomatic

dialogue on the peaceful resolution of the nuclear issue with the Democratic People's Republic of Korea.

## **V. Universality and other provisions of the Treaty**

15. The Preparatory Committee recommends that the 2015 Review Conference renew its call upon India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions and to bring into force comprehensive safeguards agreements as required by the Treaty. The Preparatory Committee further recommends that the 2015 Review Conference call upon the Democratic People's Republic of Korea to resume its adherence to the NPT. The Preparatory Committee also recommends that the 2015 Review Conference call upon South Sudan to accede to the Treaty.

16. The Preparatory Committee recommends that the 2015 Review Conference: continue to examine ways and means of improving the effectiveness of the strengthened review process of the Treaty and measures aimed at reducing costs and increasing the efficiency of the review process; and reaffirm the implementation of Decision 1 adopted at the 1995 NPT Review and Extension Conference and "Improving the effectiveness of the strengthened review process for the Treaty" agreed at the 2000 NPT Review Conference.

17. The Preparatory Committee notes that each party in exercising its national sovereignty has the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests, as well as that pursuant to article X notice of such withdrawal shall be given to all other parties to the Treaty and to the United Nations Security Council three months in advance, and that such notice shall include a statement of the extraordinary events the State party regards as having jeopardized its supreme interests, and recommends that the 2015 Review Conference further discuss issues and consider responses pertaining to article X.1 of the Treaty, regarding notice of withdrawal from the Treaty.

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