

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

29 April 2015

Original: English

New York, 27 April-22 May 2015

Implementing the Treaty on the Non-Proliferation of Nuclear Weapons: Non-proliferation and regional security

Working paper submitted by the United States of America*

This paper reports on measures the United States has taken since the 2010 Review Conference to strengthen the non-proliferation pillar of the Treaty, including steps to implement the consensus Action Plan and to address regional security issues and nuclear-weapon-free zones.

Safeguards

Article III.1 of the Treaty requires that non-nuclear-weapon States Parties conclude comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA), covering all nuclear material in peaceful use in the state. The IAEA Board of Governors decided that implementation of such agreements should be designed to verify that the state's declarations are correct and complete. An Additional Protocol provides the IAEA with stronger tools to verify that a state's declarations are complete and that this Article III safeguards requirement is met. Since 2010, an additional 23 NPT States Parties have brought Additional Protocols into force, indicating the increasing acceptance of the Additional Protocol as the international safeguards standard. Comprehensive safeguards agreements and Additional Protocols facilitate nuclear cooperation and commerce by building confidence that the fruits of such cooperation will not be misused or diverted to the manufacture of nuclear weapons.

Steady increases over the last five years in the number of safeguards agreements (6%) and Additional Protocols (32%) in force, and in the number of facilities (12%) and quantity of nuclear material (14%) under safeguards has increased demands on the IAEA safeguards system at a rate that far surpasses the real increase in regular budget resources for safeguards (2.5%) during this period. In this context, the United States supports the continuing evolution of safeguards in a manner that improves the efficiency of safeguards implementation, provided the effectiveness in achieving safeguards objectives is maintained. Maintaining effectiveness is essential to the credibility and integrity of the IAEA safeguards system.

* The present document is issued without formal editing.



Because the IAEA regular budget leaves unfunded many core activities related to safeguards implementation, the United States has increased its voluntary contributions to IAEA safeguards over this period. The United States has been a leading contributor to the successful efforts to enhance the IAEA's safeguards analytical laboratories, which the IAEA expects to formally complete by the end of 2015, and is also supporting the ongoing project to modernize the IAEA's safeguards information technology system. The IAEA also relies on Member States for technical support 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 Union have developed support programs that provide technical assistance to the IAEA Department of Safeguards. These efforts allow the IAEA to draw on the technical capabilities of its Member States in order to maintain a more capable inspectorate and field more modern technologies to improve the effectiveness and efficiency of its safeguards system.

The Review Conference could:

- Emphasize the indispensable role of IAEA safeguards in the NPT regime and in assuring the peaceful uses of nuclear energy.
- Welcome the fact that since the 2010 Review Conference six non-nuclear-weapon States Parties have brought into force comprehensive safeguards agreements, fulfilling the requirement set forth in Article III.1, and call upon those non-nuclear-weapon States Parties without comprehensive safeguards agreements in force to fulfill that requirement without further delay.
- Affirm that implementation of comprehensive safeguards agreements should be designed to verify the correctness and completeness of a State's declarations, and encourage the IAEA to exercise its full authority to that end.
- Call upon States Parties to cooperate in implementing the decisions by the IAEA Board of Governors to strengthen the effectiveness and improve the efficiency of safeguards and to increase the IAEA's capability to detect undeclared nuclear material and activities.
- Welcome the fact that since the 2010 Review Conference 23 States Parties have brought into force Additional Protocols, bringing the number of States with Additional Protocols in force to 125.
- Emphasize that Additional Protocols are an essential tool for enhancing the IAEA's ability to draw conclusions regarding the completeness of a State's declarations.
- Recognize the Additional Protocol as a legal obligation once in force and as the standard, in conjunction with a comprehensive safeguards agreement, for verifying that all nuclear material in a country has been placed under safeguards, thus confirming that states are meeting the NPT safeguards requirement.
- Call upon States that have not done so to bring an Additional Protocol into force at an early date.
- Welcome the fact that since the 2010 Review Conferences 16 States Parties have modified or rescinded the Small Quantities Protocols to their safeguards

agreements with the IAEA, but note that 45 states still have in force the outdated version of the Small Quantities Protocol.

- Call upon those States that have not yet done so to rescind their Small Quantities Protocols or to modify them in accordance with the decision of the IAEA Board or Governors in 2005.
- Emphasize the importance of maintaining the credibility, effectiveness, and integrity of the IAEA safeguards system, and stress that safeguards implementation should remain transparent, non-discriminatory, and objective.
- Welcome the fact that 20 States Parties and the European Union have Member State Support Programs to provide technical assistance to the IAEA on the implementation of IAEA safeguards, including related research and development, and encourage states that are in a position to do so to consider providing such assistance.
- Encourage States concerned to promote early consultations with the Agency at the appropriate stage on safeguards-relevant aspects of new nuclear facilities in order to facilitate future safeguards implementation.

Compliance

All States Parties must comply fully with the Treaty. The 2010 Action Plan called on States Parties to support the resolution of all cases of noncompliance with IAEA safeguards and other non-proliferation obligations. With very few exceptions, non-nuclear-weapon States Parties comply with the Treaty's provisions and are working with partners to strengthen Treaty implementation. However, serious challenges to the non-proliferation regime remain, including unresolved cases of noncompliance with the non-proliferation provisions of the Treaty. NPT Parties should support efforts by the international community to address these challenges.

We welcome the Joint Plan of Action adopted by Iran and the P5+1 in November 2013 and the Parameters for a Joint Comprehensive Plan of Action announced April 2, 2015. We urge the Islamic Republic of Iran to work with the P5+1 to reach an agreement by the end of June on a comprehensive solution to ensure the exclusively peaceful nature of Iran's nuclear program and to address international concerns that arise from Iran's non-compliance with its international nuclear obligations. The NPT forms a key basis, together with the relevant resolutions of the UN Security Council and the IAEA Board of Governors and Iran's safeguards agreement, for those efforts. We also note the Framework for Cooperation between Iran and the IAEA announced on November 11, 2013. We remain concerned that the IAEA continues to report that Iran's cooperation on issues related to the possible military dimensions of its nuclear program has been limited, and urge Iran to cooperate fully with the International Atomic Energy Agency on verification of Iran's nuclear activities and to address all outstanding issues.

We also note that the case of Syria's safeguards non-compliance remains unresolved. It has been nearly four years since the Board of Governors found Syria in non-compliance with its safeguards agreement for the clandestine construction of a nuclear reactor at Dair Alzour, which the IAEA reported in May 2011 was "very likely" an undeclared nuclear reactor. It remains critically important for the Asad regime to cooperate fully with the IAEA and return to full compliance with its

safeguards agreement. The current instability in Syria is no excuse for the Assad regime's continued non-compliance.

Since the first finding by the IAEA Board of Governors of the non-compliance by the Democratic People's Republic of Korea with its safeguards obligations in 1993, the DPRK's announced withdrawal from the NPT in 2003, followed in subsequent years by three nuclear tests, the DPRK has emerged as a grave and growing threat to international peace and security. We continue to work with our partners to achieve the full implementation of the 2005 Joint Statement of the Six-Party Talks through a diplomatic process premised on the DPRK's demonstrated commitment to make meaningful progress toward complete, verifiable and irreversible denuclearization. As the international community has made clear, we will never accept North Korea as a nuclear-armed state. North Korea must abandon all its nuclear weapons and existing nuclear programs, return to the NPT and IAEA safeguards, and come into full compliance with its UN Security Council obligations.

The Review Conference could:

- Take note of continuing concerns over unresolved cases of non-compliance with non-proliferation obligations, and welcome diplomatic efforts to resolve them.
- Underscore the need to resolve all cases of noncompliance in order to preserve the integrity of the Treaty and the IAEA safeguards system.
- Recall that NPT benefits can only be assured for states that comply with their Treaty obligations.
- Call upon States Parties to take concerted action to promote and pursue diplomatic efforts to remedy all outstanding cases of non-compliance.
- Call upon the DPRK to comply with its denuclearization commitments and obligations, abandon its nuclear program in a complete, verifiable and irreversible manner, return to the NPT and IAEA safeguards and come into full compliance with its non-proliferation obligations.
- Send a strong message to the DPRK that the international community will never accept North Korea as a nuclear armed state and continues to hold the DPRK to its denuclearization commitments and obligations.

Regional Security and Universality

Article VII of the Treaty recognizes the right of countries to establish nuclear-weapon-free zones in their regions. The United States believes that nuclear-weapon-free zone 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 provisions of the relevant nuclear weapon-free zone treaty.

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 is party to 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, the African Nuclear-Weapon-Free Zone Treaty, and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, and has submitted these Protocols to the United States Senate for its advice and consent to ratification. The United States remains ready to work with Parties to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone to resolve outstanding concerns and to sign the revised Protocol as soon as possible.

Consolidating regional security is an essential element in creating the conditions for nuclear disarmament and for universal adherence to the NPT. In some regions, stockpiles of nuclear weapons and unsafeguarded fissile material for use in nuclear weapons continue to increase. This creates further impediments to achieving a peaceful and secure world without nuclear weapons. As Article VI of the Treaty recognizes, the ending of nuclear arms races is an essential requirement for achieving nuclear disarmament.

The United States also remains committed to co-convening a conference to discuss the establishment of a zone free of weapons of mass destruction and their means of delivery in the Middle East, as decided at 2010 Review Conference. Regional states have attended five rounds of consultations aimed at reaching agreement on the agenda, documents, and modalities for such a conference. While differences remain among the states of the region on these issues, the United States continues to support further direct engagement among the regional parties, in order to achieve a conference that can be attended freely by all regional states.

The Review Conference could:

- Take note of the five rounds of consultations among the states of the Middle East region and the progress made toward convening a conference on a zone free of weapons of mass destruction and their means of delivery in the Middle East.
- Welcome NWFZs established in accordance with recognized international guidelines and on the basis of arrangements freely arrived at among regional States as a way to reinforce the NPT on a regional basis.
- Welcome P5 signing of the Central Asia Nuclear Weapon Free Zone Treaty Protocol in May 2014, and take note of efforts to bring the Protocol into force.
- Encourage States that have not yet done so to take the steps necessary to accede to the relevant nuclear-weapon-free zone treaties and their Protocols.
- Noting with concern the increasing nuclear weapon stockpiles in some regions, call upon the States concerned to exercise restraint and help create the conditions for regional and global disarmament.
- Call upon all states that have not yet done so to adhere to the NPT and adopt comprehensive IAEA safeguards agreements and Additional Protocols, noting that all states should help create the conditions for universality of NPT adherence.
- Emphasize that the withdrawal of any State Party is contrary to the goal of universality and the durability of the NPT's non-proliferation norm.

- Support recommendations to address abuse of the Article X withdrawal right, to include consultative measures, supplier state actions, and steps to be taken by the IAEA Board of Governors.

Export Control

Article III.2 requires that any transfer to a non-nuclear weapon State of nuclear materials and equipment especially designed or prepared for the processing, use, or production of special fissionable material be subject to IAEA safeguards. The Zangger Committee has developed and periodically updated a list of items subject to this requirement. The Nuclear Suppliers Group has developed Guidelines that apply to a wider set of nuclear and nuclear-related dual use goods, services and technology, and contain additional conditions on their transfer. The United States maintains a rigorous and comprehensive system of export controls for nuclear and nuclear-related dual-use items and technology, consistent with these guidelines control lists, and based in U.S. law and regulations. Nuclear export controls are intended to facilitate nuclear cooperation and commerce for peaceful purposes by providing essential assurances that such transfers will not contribute to the proliferation of nuclear weapons. 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), as well as other UN Security Council Resolutions pertaining to nuclear non-proliferation.

The Review Conference could:

- Affirm that, in order to provide confidence that nuclear transfers will not contribute to nuclear proliferation and to enable the fullest possible cooperation in the peaceful uses of nuclear energy, nuclear supply arrangements should require high standards for safety, security and non-proliferation.
- Call for Parties to maintain controls on all related materials and services that could contribute to nuclear proliferation consistent with applicable relevant UNSCRs, international standards, and national laws to ensure that transfers for peaceful purposes are not diverted for other purposes.
- Welcome and encourage updates to export control guidelines and control lists to take into account advances in technology and changes in procurement practices.

Nuclear Security

At the 2010 Nuclear Security Summit in Washington, 47 nations committed to work together to secure vulnerable nuclear material. The consensus Communique and Work Plan outlined steps to be taken on nuclear security, as well as the key role of the IAEA in supporting the efforts of its Member States in protecting their nuclear materials.

At the 2012 Nuclear Security Summit in Seoul, 53 nations, as well as the European Union, the IAEA, INTERPOL, and the United Nations renewed these commitments. Summit participants built upon the objectives set out in the Washington Summit including to minimize civilian use of highly enriched uranium while maintaining the reliability of supply of medical isotopes; promote the security of nuclear materials while in transit; establish Centers of Excellence; and counter illicit trafficking of nuclear and other radioactive materials.

At the 2014 Nuclear Security Summit in The Hague, participating states made a number of specific commitments, including one on “Strengthening Nuclear Security Implementation,” endorsed by 35 Summit participating states. Summit participants recognized the need to further strengthen the global nuclear security architecture. In addition, Japan and the United States committed to remove and eliminate hundreds of kilograms of weapon-usable nuclear material from Japan’s Fast Critical Assembly. The next Nuclear Security Summit will be held in 2016 in the United States. 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 United States continues to co-chair the Global Initiative to Combat Nuclear Terrorism (GICNT), a multilateral partnership of 86 countries and 4 official observers committed to strengthening global capacity to prevent, detect and respond to nuclear terrorism. Since it was launched by the United States and Russia in 2006, the GICNT has conducted over 70 multilateral activities, in particular across the GICNT’s focus areas of nuclear forensics, detection, and emergency preparedness and response, which have brought together technical, operational, and policy experts. These activities have explored key challenges in difficult or emerging areas of nuclear security, such as introducing nuclear forensic evidence in the courtroom, approaches to investigating illicit trafficking of nuclear material, and public messaging in response to a nuclear security incident, and have produced best practices and models for overcoming these challenges.

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 working group of the G-8. It was established as a 10-year cooperative effort with a commitment of \$20 billion to prevent terrorists or States that support terrorists from acquiring or developing weapons of mass destruction. Since then, the Global Partnership has grown to 29 partners and has allocated well over \$22 billion worldwide. The Global Partnership was extended at the 2011 G-8 Summit in Deauville, France. Germany is the 2015 President of the G-7 and as such, is also the 2015 Chair of the Global Partnership.

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, non-governmental organizations and industry representatives 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 Sub-Working Group, the Nuclear and Radiological Sub-Working Group, and the Centers of Excellence Sub-Working Group.

The Review Conference could:

- Affirm the vital contributions made by the Nuclear Security Summits and underscore the enduring need for Parties and international institutions to promote shared nuclear security goals at the highest level.
- Underscore the essential role of international institutions and initiatives, including the IAEA, the United Nations, Interpol, the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, in promoting nuclear security in their respective areas of competency.
- Welcome the opportunity for the IAEA to continue to host international nuclear security conferences and its intention to host a nuclear security ministerial meeting in 2016.
- Welcome the fact that 152 States have joined the Convention on the Physical Protection of Nuclear Material and 84 States have ratified, accepted or approved the Amendment to that Convention, and encourage those parties to the Convention that have not yet done so to ratify the Amendment in order to bring the Amendment into force.
- Welcome the latest revision of the Nuclear Security Series of Guidance Documents and call upon States Parties to apply these recommendations as soon as possible.
- Encourage all IAEA Member States to subscribe to the Joint Statement on Strengthening Nuclear Security Implementation (INFCIRC/869) and to implement the IAEA Nuclear Security Fundamentals and Recommendations.
- Welcome the fact that 33 States have become parties to the Convention for the International Suppression of Acts of Nuclear Terrorism since the last Review Conference, bringing the number of parties to 99, and call upon States that have not yet done so to become parties as soon as possible.
- Encourage all States to use the IAEA Integrated Nuclear Security Support Plans in consolidating their nuclear security needs into comprehensive plans and encourage states to utilize International Physical Protection Advisory Service missions.
- Encourage greater support for the IAEA, including through its Nuclear Security Fund, to ensure it has the resources and expertise needed to carry out its nuclear security activities.
- Encourage States Parties to continue efforts to reduce excess holdings and the use of high-enriched uranium in civilian nuclear applications, including by converting the production of radioisotopes to the use of low-enriched uranium and repatriating unneeded stocks to the country of origin, and in that regard welcome the assistance provided by the IAEA.
- Encourage States to keep their stockpile of separated plutonium to the minimum level, as consistent with national commitments.
- Encourage States Parties to improve their capabilities to prevent, detect and respond to illicit trafficking of nuclear and radioactive materials, and encourage cooperation among States Parties to that end, including through the IAEA.

- Recognize the importance of nuclear forensics in identifying and investigating nuclear and other radioactive materials detected outside regulatory control, and encourage cooperation among States Parties to build capacity to that end.

UN Security Council

UN Security Council Resolution 1540, adopted in 2004, was 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 is essential for the maintenance of international peace and security, and the United States will continue to support its full implementation. In particular, the Resolution requires that states take specific steps to strengthen their nuclear non-proliferation 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, and created a committee to oversee efforts by United Nations Member States to implement the Resolution. The Security Council has adopted a number of other resolutions to address specific nuclear proliferation challenges, including two (UNSCR 1718 and UNSCR 1737) that provided a basis to establish committees and expert panels that continue to oversee the relevant sanctions.

The Review Conference could:

- Call upon all States Parties to fully implement the requirements of the resolutions of the UN Security Council with respect to non-proliferation.

Cooperation and Assistance

The United States provides a variety of assistance in the aforementioned areas, on a bilateral, regional, and multilateral basis. In safeguards, the United States has held and supported national, regional and international training courses on State Systems of Accounting for and Control of Nuclear Material and the Additional Protocol. In export control, the United States develops and delivers training and technical support on regulatory and licensing best practices, identification of controlled commodities and interdiction of illicit transfers (including transit and transshipment) for the law enforcement community, risk management systems to help detect illicit transfers without jeopardizing trade competitiveness, and best practices on government-industry outreach and compliance. In nuclear security, the United States provides training and assistance in physical security, and works with partners to remove and/or downblend weapons-usable fissile material and to counter nuclear and radiological smuggling.

Since 2010, the United States has provided approximately \$59 million to the IAEA's Nuclear Security Fund, which provides guidance, advisory services, and other assistance to IAEA Member States. In support of UNSCR 1540, 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.

The United States has also availed itself of this type of international review and advisory service. In 2011, the 1540 Committee and its Expert Group visited the United States and were briefed on U.S. initiatives to implement UNSCR1540. In

2013, the United States hosted an IAEA International Physical Protection Advisory Service mission to the U.S. Nuclear Regulatory Commission and the Center for Neutron Research at the National Institute of Standards and Technology.

The Review Conference could:

- Welcome cooperation among States Parties and assistance available through the IAEA to promote and implement high standards of international safeguards, export control, and nuclear security.
- Encourage States Parties in a position to contribute to such efforts to do so.
- Encourage States Parties in need of assistance to take advantage of the assistance available.
