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

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### **Joint working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Nigeria, Netherlands, Philippines, Poland, Turkey and United Arab Emirates)**

1. As expressed in our ministerial statement made at Hiroshima on 12 April 2014, the Non-Proliferation and Disarmament Initiative (NPDI) is committed to actively contributing to the 2015 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference (RevCon), and provides the following recommendations for consideration in an outcomes document.
2. These recommendations reflect the common commitment of the NPDI's diverse cross-regional membership to the NPT as the essential foundation for the achievement of nuclear disarmament, as the cornerstone of the global nuclear non-proliferation regime and as the basis for the development of the peaceful uses of nuclear technology. They reflect the priorities of the NPDI, as detailed in the working papers submitted to the three Preparatory Committee meetings for the 2015 NPT RevCon on specific issues within the Action Plan agreed at the 2010 NPT RevCon. The recommendations are aimed at contributing to a balanced, consensus outcome document for the 2015 NPT RevCon.
3. The members of the NPDI re-iterate that nuclear disarmament and non-proliferation are mutually reinforcing processes. We remain deeply concerned, as expressed in the 2010 NPT RevCon Final Document, at the catastrophic humanitarian consequences of any use of nuclear weapons, and consider this to fundamentally underpin all work to pursue a world free of nuclear weapons, particularly through the NPT. The NPDI further reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.

<b>Pillar 1 - Disarmament</b>
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The NPDI recalls that Action 3 of the Action Plan adopted by the 2010 NPT RevCon states: "In implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures."

The NPDI recommends that,

4. The Conference stresses the need for a systematic and continued reduction of all types of nuclear weapons, including non-strategic and non-deployed nuclear weapons, by all States possessing nuclear weapons aimed at their total elimination.
5. The Conference welcomes the ongoing implementation of New START and urges the Russian Federation and the United States to engage in a new round of negotiations and advance further steps in line with the principles of irreversibility, verifiability and transparency.

6. The Conference reiterates that the obligation to pursue nuclear disarmament concerns not only the two States with the largest arsenals and that, in due time, the other nuclear-weapon States should also take part in nuclear disarmament negotiations, bearing in mind that all States parties are called upon to engage in multilateral disarmament negotiations under the provisions of Article VI of the NPT.
7. Pending the start of multilateral nuclear disarmament negotiations, the Conference urges nuclear-weapon States to undertake to not increase their nuclear holdings. A further build-up of nuclear arsenals runs counter to the obligations under the 2010 Action Plan and Article VI of the NPT.
8. The Conference calls upon all nuclear-weapon States and other States possessing nuclear weapons to take further steps to reduce their arsenals, regardless of their size, type or location, and to declare a moratorium on developing new warheads and new types of nuclear weapons, and on upgrading existing nuclear weapons or developing new missions for nuclear weapons.
9. The Conference calls upon nuclear-weapon States to commit to refrain from developing new nuclear warheads.

### **Non-Strategic Nuclear Weapons**

The NPDI recommends that,

10. The Conference urges the inclusion of non-strategic nuclear weapons in any future nuclear disarmament processes, with a view to their elimination, and a cessation of the development and production of new non-strategic nuclear weapons.
11. The Conference calls upon all nuclear-weapon States and other States possessing nuclear weapons to review promptly their deployment posture of non-strategic nuclear weapons in the context of their declaratory policies and in a manner compatible with the Treaty and the objective of achieving a world free of nuclear weapons.
12. The Conference calls for, as a first step on the way to the elimination of non-strategic nuclear weapons, transparency with respect to the current status of the implementation of the 1991 and 1992 Presidential Nuclear Initiatives between the Russian Federation and the United States and possible verification of such implementation.

### **Reduced Role of Nuclear Weapons**

The NPDI recommends that,

13. The Conference agrees that quantitative reductions of arsenals should be accompanied by a reduction in the role and significance of nuclear weapons in security strategies and defence doctrines. This would represent an important contribution towards the goal of complete nuclear disarmament and will be mutually reinforcing with further quantitative reductions.
14. The Conference calls upon all nuclear-weapon States to reiterate that they will not use or threaten to use nuclear weapons against non-nuclear-weapon States that are parties to the NPT and in compliance with their nuclear non-proliferation obligations (what are termed "negative security assurances").
15. The Conference calls upon States parties to actively promote disarmament and non-proliferation education, and to contribute to raising awareness, in particular among younger generations, of the tragic consequences of the use of nuclear weapons.

### **De-alerting Nuclear Weapons**

The NPDI recommends that,

16. The Conference, recognizing that de-alerting is important not only as a step towards a world free of nuclear weapons but also to avoid and reduce the risk of the catastrophic humanitarian consequences from any unauthorised or accidental launch of a nuclear weapon, urges all nuclear-weapon States to take concrete and meaningful steps, whether unilaterally, bilaterally or regionally, to further reduce the operational status of nuclear weapons. Practical steps to that end would promote international stability and security, and reduce the risk of accidental use of nuclear weapons.
17. The Conference highlights the importance of other States which possess nuclear weapons also taking steps towards de-alerting their nuclear forces.

### **Transparency of Information Relating to Nuclear Weapons**

The NPDI recommends that,

18. The Conference reiterates the importance of the realization of nuclear disarmament measures under strict observance of the principles of transparency, verification and irreversibility while also recognizing that the principle of transparency underpins the principles of verification and irreversibility.
19. The Conference underscores the rightful need for and expectation of more detailed information relating to nuclear weapons to be provided by all nuclear-weapon States. This holds especially true with regard to non-strategic nuclear weapons.
20. The Conference calls upon the nuclear-weapon States to commit to utilizing a standard reporting form to make annual reports on their nuclear disarmament activities during the 2020 NPT review cycle.
21. The Conference calls upon the nuclear-weapon States to commit to continuously improving the transparency of information related to nuclear weapons in their standard reporting form. The standard reporting form should include, without prejudice to the national security of the nuclear-weapon States, information on:
  - (a) the number, type (strategic or non-strategic) and status (deployed or non-deployed) of nuclear warheads;
  - (b) the number and, if possible, types of delivery vehicles;
  - (c) the number and types of weapons and delivery systems dismantled and reduced as part of nuclear disarmament efforts;
  - (d) the amount of fissile material produced for military purposes; and
  - (e) the measures taken to diminish the role and significance of nuclear weapons in military and security concepts, doctrines and policies.
22. The Conference encourages the nuclear-weapon States to continue discussions on definitions and terminology related to nuclear weapons.
23. The Conference calls upon all States parties, both nuclear-weapon States and non-nuclear-weapon States, to submit regular reports on their fulfilment of obligations and commitments under the provisions of the NPT.

### **Nuclear Weapon Free Zones and Negative Security Assurances**

The NPDI recommends that,

24. The Conference reiterates that, while the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, interim measures contributing to this goal should be considered in earnest and existing interim measures strengthened.
25. The Conference urges all nuclear-weapon States to recognise the value of nuclear weapon-free zones by taking all necessary measures to bring into force the pending protocols to the nuclear-weapon-free zone treaties.
26. The Conference calls upon all nuclear-weapon States to withdraw any reservations or interpretative declarations made to the nuclear-weapon-free zone treaties and their protocols contrary to the object and purpose of such treaties.
27. The Conference urges all nuclear-weapon States to respect fully their existing commitments with regard to security assurances.
28. The Conference calls upon all nuclear-weapon States to reiterate that they will not use or threaten to use nuclear weapons against non-nuclear-weapon States that are parties to the NPT and in compliance with their nuclear non-proliferation obligations (what are termed "negative security assurances").
29. The Conference urges all States parties to continue discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

### **Comprehensive Nuclear-Test-Ban Treaty (CTBT)**

The NPDI recommends that,

30. The Conference urges all States that have yet to ratify the CTBT to do so without delay, in particular the remaining eight Annex 2 States. Annex 2 States should not wait for other States to ratify the Treaty.
31. The Conference reiterates that nuclear-weapon States have a particular responsibility, as agreed in action 10 of the 2010 Action Plan, to encourage ratification of the CTBT and calls upon them to take the initiative in this regard. Ratification by nuclear-weapon States that have not yet done so would provide further impetus towards entry into force of the Treaty.
32. Pending the Treaty's entry into force, the Conference calls upon all States to uphold and maintain a moratorium on nuclear-weapon test explosions and any other nuclear explosions.
33. The Conference encourages all States parties to the NPT to assist the Preparatory Commission of the CTBT Organization in its work in anticipation of and preparing for the entry into force of the Treaty. This includes the early completion and provisional operation of the International Monitoring System, which serves as an effective, reliable, participatory and non-discriminatory element of the verification system globally and helps to provide assurance of compliance with the CTBT.

### **Fissile Material Cut-off Treaty**

The NPDI recommends that,

34. The Conference urges negotiations on a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices to begin immediately, preferably in the Conference on Disarmament, on the basis of the Shannon Mandate and within the context of an agreed, comprehensive and balanced programme of work.

35. The Conference agrees that national and security concerns hindering commencement of negotiations within the Conference on Disarmament on a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices can and should be effectively addressed in the course of negotiations. All concerned States are encouraged to intensify bilateral, subregional and regional dialogue to address said concerns.
36. Pending the entry into force of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices, the Conference calls upon all nuclear-weapon States and other States which possess nuclear weapons to maintain or declare moratoriums on the production of fissile material for nuclear weapons or other nuclear explosive devices.

### **Disarmament and Non-Proliferation Education**

The NPDI recommends that,

37. In implementing the recommendations contained in the report of the Secretary-General of the United Nations regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the NPT in support of achieving a world free of nuclear weapons, the Conference invites all States parties to take into account the following three points:
  - (a) as achieving a world free of nuclear weapons requires long-term continuous efforts, educating young people, especially teenagers, is most crucial. The amassed knowledge and experience of older generations should be passed on to younger generations, including in the educational process, so that they can actively engage in disarmament and non-proliferation issues;
  - (b) disarmament and non-proliferation education should be undertaken in a collaborative way. Various actors such as governments, both national and local, international organizations, non-governmental organizations, media, academics and the private sector should closely cooperate with and learn from one another through interaction. Governments can serve as the hub of a network among actors as well as a provider of resources to facilitate interaction; and
  - (c) the 2002 report on disarmament and non-proliferation education recommended using new information and communications technologies, in particular the Internet, and a full range of pedagogical methods including literature, theatre and other artistic activities. It would be more effective to utilise new tools that have become available since the report was published in 2002, including YouTube and social network services such as Twitter and Facebook.

## **Pillar 2: Non-Proliferation**

### **Safeguards in Nuclear Weapon States**

The NPDI recommends that,

38. The Conference encourages each nuclear-weapon State to explore ways to further widen the scope of the application of safeguards to peaceful nuclear facilities to the maximum extent possible, *inter alia*, by:
  - (a) reviewing the operation of the voluntary-offer safeguards agreement and/or revisiting the voluntary-offer safeguards agreement so that the safeguards will be applicable to

all nuclear material designated by each nuclear-weapon State as no longer required for military purposes and relevant facilities where it is located, in a manner neither to exclude such material from the scope of the safeguards application nor to reverse such material to military uses; and

- (b) reviewing the existing scope of the Additional Protocol to add measures, if necessary, such as complementary access stipulated in the IAEA Model Additional Protocol.
39. The Conference encourages those nuclear-weapon States that have not done so, to consider, when identifying certain specified nuclear material as “excess” for military uses, placing such “excess” under IAEA verification as soon as practicable, in a manner to make it irreversible, either under the voluntary-offer safeguards agreement or separate arrangements for permitting the IAEA to verify that the “excess” is neither withdrawn from the declared facilities nor reversed for use for nuclear weapon purposes.
40. The Conference encourages the nuclear-weapon States to explore ways and means for financing safeguards in the nuclear-weapon States so that necessary access and other safeguards activities as referred to in paragraphs 38 and 39 above can be conducted by the IAEA without impeding other critical safeguards implementation priorities.
41. The Conference encourages each nuclear-weapon State to explore ways and means for financing the wider application of safeguards in nuclear-weapon States, including extra-budgetary funding by the nuclear-weapon States to the IAEA, and that they report on the matter in the standard form as per action 21 of the 2010 Action Plan.

### **IAEA Additional Protocol**

The NPDI recommends that,

42. The Conference urges all States parties that have not yet concluded an Additional Protocol, as contained in INFCIRC/540, with IAEA to do so as soon as possible, and to implement its provisions pending ratification. The Conference strongly encourages further work towards achieving universalization of the Additional Protocol.
43. The provision of assistance to States to adhere to the Additional Protocol can be best facilitated with IAEA support. The Conference encourages the IAEA and its member States to continue to assist other States in concluding, bringing into force and implementing Additional Protocols.
44. The Conference encourages the IAEA and member States to pursue coordinated activities and provide, where possible, the technical and financial support required for such activities.

### **Export Controls**

The NPDI recommends that,

45. The Conference encourages States parties to share best practices and lessons learned regarding building, implementing and reinforcing effective domestic export control systems and practices, including through the implementation of UN Security Council Resolution 1540 as well as the effective use of catch-all controls.
46. The Conference urges all nuclear suppliers to require full compliance by States with their IAEA safeguards obligations as a condition of nuclear equipment, material and technology supply by States parties.
47. The Conference reaffirms the principle that States parties should require the conclusion and implementation of a Safeguards Agreement (INFCIRC/153) as well as an Additional

Protocol (INFCIRC/540) with the IAEA as a condition for new supply arrangements with non-nuclear-weapon States.

48. The Conference calls on States parties to adhere to the multilaterally negotiated and agreed guidelines and understandings of the Nuclear Suppliers Group and Zangger Committee in developing their domestic export control systems.

### **Pillar 3 – Peaceful Uses of Nuclear Energy**

The NPDI recommends that,

49. The Conference recognises the inalienable right of every State party to the NPT to the peaceful use of nuclear energy and, considering the increasing demand for nuclear power as a means of addressing climate change and energy security concerns and the importance of increased accessibility and broader application of nuclear technology in fields such as human health, agriculture, water management and industrial applications, we emphasise that cooperation to accelerate and to enlarge the contribution of the peaceful uses of nuclear energy to peace, health and prosperity throughout the world is a core objective of the IAEA Statute.
50. The Conference reaffirms that the use of nuclear energy must be accompanied by commitments to, and on-going implementation of, safeguards as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations.
51. The Conference underlines the central role of the IAEA in the field of peaceful uses of nuclear energy and is determined to ensure that the IAEA continues to have the expertise, authority and resources needed to fulfil its statutory functions in facilitating technical cooperation and in coordinating international efforts to strengthen global nuclear safety and security.

### **Nuclear Security**

The NPDI recommends that,

52. The Conference recommends that all States:
- (a) subscribe to the fundamental principles set forth in IAEA Nuclear Security Series document No. 20 and meet the intent of the recommendations contained in Nos. 13, 14 and 15, including through the implementation and enhancement of national regulations and other government measures and arrangements;
  - (b) develop, in conjunction with IAEA, as necessary, Integrated Nuclear Security Support Plans to consolidate and prioritise nuclear security needs;
  - (c) continue to improve the effectiveness of their nuclear security regimes and operators' systems by conducting self-assessments, periodically hosting IPPAS missions and acting upon the recommendations identified during these reviews; and
  - (d) ensure that management and personnel with accountability for nuclear security are demonstrably competent.
53. The Conference recommends that, in order to promote confidence in the effectiveness of security for non-civilian nuclear materials, the nuclear-weapon States and other States which possess nuclear weapons:
- (a) affirm that nuclear materials in the military realm are at least as well protected, or that nuclear security is at least as effective for non-civilian nuclear materials as for civilian materials and, in this regard, declare that internationally agreed guidelines

for physical protection (notably IAEA Nuclear Security Series document No. 13) will be taken into account to enhance the effectiveness of protecting non-civilian nuclear materials; and

- (b) publish the legal and regulatory framework related to the security of non-civilian nuclear materials on the understanding that no confidential information will be disclosed or confidentiality arrangements violated.
54. The Conference recommends that all States become party to the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT) and the Convention on the Physical Protection of Nuclear Material (CPPNM), and ratify the 2005 Amendment of the CPPNM.
55. The Conference reaffirms the commitment of all NPT States parties to work together to strengthen nuclear security, including by fully implementing relevant international requirements such as UNSCR 1540 (2004).

### **Other Issues Related to the NPT**

#### **North Korea**

The NPDI recommends that,

56. The Conference strongly condemns North Korea's nuclear and ballistic missile programs which undermine the NPT and the global non-proliferation regime as well as pose a great threat to regional and global peace and stability. The Conference condemns and expresses grave concern at a series of ballistic missile launches conducted by North Korea, which are clear violations of relevant UN Security Council resolutions. The Conference strongly urges North Korea to comply with its commitments under the 2005 Six-Party Talks Joint Statement and obligations under all the relevant UN Security Council resolutions, to abandon all nuclear weapons and existing nuclear programs, and to return to compliance with its IAEA safeguards agreement and the NPT. Furthermore, the Conference urges North Korea to refrain from further provocative actions including, among others, ballistic missile launches, nuclear tests or threat of the use of nuclear weapons. The Conference also deplores the announcement and the efforts by North Korea to readjust and restart the nuclear facilities at Yongbyon, and urges North Korea to cease immediately all nuclear activities.

#### **Iran**

The NPDI recommends that,

57. The Conference encourages the ongoing negotiations between the E3+3 and Iran over Iran's nuclear issue and hopes that the negotiations will lead to the final and comprehensive resolution of the issue. In particular, the Conference urges Iran to swiftly and steadily implement measures, such as the ratification and implementation of the Additional Protocol, to remove international concerns regarding Iran's nuclear activities. In addition, the Conference urges Iran to fulfil the requirements of the relevant UN Security Council resolutions and decisions by the IAEA Board of Governors. In this context, the Conference welcomes the Framework for Cooperation and the steps implemented to date and fully supports the efforts by the E3+3 and the IAEA. In particular, while respecting Iran's right to the use of nuclear energy for peaceful purposes in conformity with the NPT and other relevant obligations, the Conference supports the



IAEA's efforts to resolve international concerns and all outstanding issues regarding Iranian nuclear activities, including Possible Military Dimensions, and calls upon Iran to fully cooperate with the IAEA in this respect.

### **Middle East Zone Free of Weapons of Mass Destruction and Their Means of Delivery**

The NPDI recommends that,

58. All States Parties agree to pay special attention to the ultimate goal of establishing the Middle East as a zone free from all weapons of mass destruction (WMD).
59. The Conference encourages countries of the Middle East region to work together to reach an agreement on the arrangements for an International Conference on WMD-Free Zone in the Middle East.
60. The Conference encourages countries of the region to continue to work constructively with the Facilitator, Ambassador Laajava, and his team.
61. The Conference encourages the Conveners and the Facilitator to continue their efforts in a constructive, flexible and forward-looking manner so as to ensure that the conference is convened at the earliest convenience.
62. The Conference encourages all interested States parties to constructively assist the process to convene a conference, and calls on the countries of the region to work to strengthen mutual understanding and cooperation.

### **Humanitarian Impact of Nuclear Weapons**

The NPDI recommends that,

63. The Conference reiterates its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. In view of such consequences, the Conference affirms it is in the interest of all nations that the nearly 70 year record of non-use of nuclear weapons be extended forever. The Conference affirms that the catastrophic humanitarian impact of nuclear weapons fundamentally underpins all work to succeed in our non-proliferation efforts and to achieve nuclear disarmament in pursuit of a more secure world, particularly through the NPT, and that the discussion on this issue should be inclusive and universal as well as a catalyst for united global action towards the goal of a world free of nuclear weapons.
64. The Conference stresses the significance of spreading awareness of the humanitarian impact of nuclear weapons across borders and generations through such efforts as disarmament and non-proliferation education and translation of atomic bomb survivors' (Hibakushas') testimonies into multiple languages. The Conference also reaffirms the importance of further deepening our understanding of the humanitarian consequences of nuclear weapons based on fact-based scientific studies.
65. The Conference invites the world's political leaders to visit Hiroshima and Nagasaki to witness the humanitarian consequences with their own eyes.

**Withdrawal from the NPT**

66. A holistic approach should be taken to encourage States parties to remain within, and to discourage them to withdraw from, the Treaty and to re-emphasise the importance of the integrity and universality of the Treaty.

The NPDI recommends that,

67. The Conference agrees that the exercise of the right of withdrawal under Article X of the NPT be governed by the following principles:
- (a) withdrawal is a right for States parties under Article X of the NPT. Article X subjects this right to conditions and a timeframe. Accordingly, the right of withdrawal can be exercised only in the face of extraordinary events related to the subject matter of the Treaty and the withdrawing State party must give notice of such withdrawal to all other parties to the Treaty and to the Security Council three months in advance. Such notice must include a statement of the extraordinary events the withdrawing State regards as having jeopardised its supreme interests;
  - (b) the right of withdrawal is governed by the provisions of the NPT and other relevant international law such as the Vienna Convention on the Law of Treaties. Under international law, a withdrawing party is still liable for violations of the Treaty perpetrated prior to the notification of withdrawal. Furthermore, withdrawal should not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created through the implementation of the Treaty prior to withdrawal, including those related to IAEA safeguards;
  - (c) recalling the NPT's standing as a cornerstone of international security, depositories and States parties should undertake consultations and conduct every diplomatic effort to persuade the withdrawing State to reconsider its decision. In doing so, States parties should also address the extraordinary events relating to the subject matter of the Treaty that has jeopardised the supreme interests of the withdrawing party. Diplomatic initiatives at the regional level should be encouraged and supported;
  - (d) nuclear materials, equipment and technology acquired by a State under Article IV prior to withdrawal must remain under IAEA safeguards or fall-back safeguards even after withdrawal; and
  - (e) nuclear supplying States parties are encouraged to exercise their sovereign right—in accordance with international law and their national legislation—to incorporate dismantling and/or return clauses or fall-back safeguards in the event of withdrawal, as appropriate, in contracts or any other arrangement concluded with other States parties. Nuclear supplying States parties are invited to adopt standard clauses for the dismantling and/or return of materials, equipment and other relevant goods from a withdrawing party.