

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

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Wider application of safeguards in the nuclear-weapon States

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey and the United Arab Emirates)

Reaffirming that efforts by both the nuclear-weapon States and the non-nuclear-weapon States are important in order to realize the outcome on the entirety of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and

Recalling that the action plan has called for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary-offer safeguards agreements, as a nuclear non-proliferation measure on the part of the nuclear-weapon States,

Purpose of the working paper

1. The Non-Proliferation and Disarmament Initiative proposes to:
 - (a) Review the relevant agreed actions of the 2010 Review Conference regarding the wider application of International Atomic Energy Agency (IAEA) safeguards in the nuclear-weapon States, and highlight key issues to be addressed; and
 - (b) Contribute to promoting efforts by the nuclear-weapon States to realize the wider application of IAEA safeguards in the nuclear-weapon States by encouraging them to explore the practical steps mentioned in paragraph 9 below and consider the suggestions set out in paragraph 12 below.

Background

Agreed action for the wider application of safeguards in the nuclear-weapon States

2. The 2010 Review Conference agreed on action 30, in which “the Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary-offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of



IAEA resources, and stresses that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved”.¹

Irreversibility

3. The 2010 Review Conference agreed on actions 16 and 17 in which the Review Conference encouraged all the nuclear-weapon States “to commit to declare, as appropriate, to IAEA all fissile nuclear material designated by each [nuclear-weapon State] as no longer required for military purposes and to place such material as soon as practicable under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes” (action 16), and in this context, encouraged all States “to support the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes” (action 17).²

Safeguards implementation under the voluntary-offer safeguards agreements

4. Although the details of voluntary-offer safeguards agreements are different, they have a common feature: each nuclear-weapon State undertakes to permit IAEA to apply safeguards to nuclear material, so long as such material remains in the facilities listed by the nuclear-weapon State and those facilities are not removed by the nuclear-weapon State from the facility list provided to IAEA. The safeguards under the voluntary-offer safeguards agreement are, however, actually applied only to the extent that IAEA selects facilities from the list provided, with the scope of the selection being made within the context of the limited resources available to IAEA.

5. Some voluntary-offer safeguards agreements allow nuclear-weapon States to withdraw nuclear material from activities in the declared facilities under IAEA safeguards and reverse it to military uses, and to remove facilities from the facility list if the nuclear-weapon States deem it necessary. This is inconsistent with the principle of irreversibility, as agreed and advocated in action 2 of the 2010 action plan.

Scope and role of the additional protocols

6. In addition, there are variations among the additional protocols concluded by the nuclear-weapon States, such as the lack of provisions on complementary access by IAEA in some cases. In this regard, it is noted that the 2000 Review Conference invited all nuclear-weapon States to keep the scope of these additional protocols under review (see paragraph 26 of Final Document), and the same concept is incorporated into paragraph 18 of the IAEA General Conference resolution adopted in 2012 (GC(56)/RES/13).

¹ This concept first appeared in paragraph 13 of the principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension Conference and was expanded in its scope in paragraph 12 of the Final Document of the 2000 Review Conference (NPT/CONF.2000/28 (Parts I and II)).

² The importance of this concept is emphasized in paragraph 29 of the Final Document of the 2000 Review Conference.

7. It is further noted that the additional protocols based on the IAEA Model Additional Protocol, whether brought into force by non-nuclear-weapon States or nuclear-weapon States, play a significant role in enabling IAEA to detect and respond to any sign of cross-border proliferation activities including the involvement non-State actors in third States, mainly through the provision of information on import/export records and nuclear operations as well as complementary access to the locations concerned.

Treatment of excess nuclear material

8. In relation to certain specified nuclear material identified by nuclear-weapon States as “excess” to military uses, the United States of America and the Russian Federation are negotiating with IAEA on an agreement concerning the verification of their respective programme to dispose of at least 34 tons of excess weapon-grade plutonium in each country designated as no longer required for military purposes. The disposition is expected to transform such plutonium into spent fuel, effectively preventing its use in nuclear weapons.

Issues to be addressed

9. Taking into account the above-mentioned significance of the pursuit of the wider application of safeguards in the nuclear-weapon States, the Non-Proliferation and Disarmament Initiative:

Wider application of safeguards under voluntary-offer safeguards agreements and additional protocols

(a) 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:

1. 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
2. Reviewing the existing scope of the additional protocol to add measures, if necessary, such as complementary access stipulated in the IAEA Model Additional Protocol;

Safeguarding excess nuclear material

(b) 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 (i) the voluntary-offer safeguards agreement or (ii) separate arrangements for permitting IAEA to verify that the “excess” is neither withdrawn from the declared facilities nor reversed for use for nuclear weapon purposes;

(c) Welcomes in this regard the move by the United States of America and the Russian Federation as mentioned in paragraph 8 above; and

Financing safeguards in the nuclear-weapon States

(d) Further 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 subparagraphs (a) and (b) above can be conducted by IAEA without impeding other critical safeguards implementation priorities.

Consequence conducive to the process of nuclear disarmament and non-proliferation

10. To the extent that the wider application of safeguards in the nuclear-weapon States is undertaken in relation to “excess” nuclear material or material generated from the nuclear disarmament process, further efforts made or measures taken will also be conducive to promoting the application of the principles of irreversibility, verifiability and transparency in relation to the implementation of the NPT obligations of all State parties for nuclear disarmament, which were agreed in action 2 of the 2010 Review Conference action plan.

11. Such efforts by the nuclear-weapon States would complement undertakings of further nuclear non-proliferation measures by non-nuclear-weapon States, in particular, the conclusion of additional protocols, thus contributing further to the promotion of nuclear non-proliferation.

Way forward to the 2015 Review Conference

12. From the perspective of promoting the wider application of safeguards in the nuclear-weapon States:

(a) Each nuclear-weapon State, using a standard reporting form to be agreed under action 21 of the action plan of the 2010 Review Conference, will report to the third session of the Preparatory Committee for the 2015 Review Conference, to be held in 2014, on the status of its implementation of the action plan, including the actions mentioned in the present paper. When developing such a form, the nuclear-weapon States are encouraged to refer to the draft reporting form (see NPT/CONF.2015/PC.I/WP.12, annex), which the Non-Proliferation and Disarmament Initiative proposed at the first session of the Preparatory Committee for the 2015 Review Conference, held in 2012;

(b) The Non-Proliferation and Disarmament Initiative suggests that each nuclear-weapon State explore ways and means for financing the wider application of safeguards in nuclear-weapon States, including extrabudgetary funding by the nuclear-weapon States to IAEA, and that they report on the matter in the standard form under action 21.