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

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Export controls

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)

1. The Non-Proliferation and Disarmament Initiative is committed to engaging in the fullest possible exchange of equipment, materials and scientific and technical information for the peaceful uses of nuclear energy. In the view of the Initiative, multilateral export control regimes allow for such an exchange by aiming to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, while also ensuring that such trade is not unnecessarily constrained. Export controls are a legitimate and important method of implementing a State party's non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons. The requirement for all States to establish and enforce effective domestic export controls has been expressed in Security Council resolutions 1540 (2004), 1673 (2006), 1810 (2008), 1887 (2009) and 1977 (2011).

2. In their June 2012 Istanbul statement, Non-Proliferation and Disarmament Initiative Foreign Ministers stated that export controls play a crucial role in implementing nuclear non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons article III, paragraph 2. The Foreign Ministers urged all States to establish, develop, review and maintain appropriate effective national export controls over both nuclear and nuclear-related dual-use items and technology, including as required by paragraph 3 (d) of Security Council resolution 1540 (2004), and stated the commitment of Non-Proliferation and Disarmament Initiative members to share national experiences and information in the field of export controls with all interested States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. The Action Plan agreed in the Final Document of the 2010 Review Conference lists a number of ways for States parties to strengthen domestic export control systems:



(a) Action 35 urges all States parties to ensure that their nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices;

(b) Action 36 encourages States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls;

(c) Action 37 encourages States parties to consider whether a recipient State has brought into force International Atomic Energy Agency (IAEA) safeguards obligations in making nuclear export decisions;

(d) Action 43, in its second part, urges States parties to implement the IAEA Guidance on the Import and Export of Radioactive Sources approved by the Board of Governors in 2004;

(e) Action 44, in its second part, calls upon States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations.

4. The NPDI supports building upon these steps during the 2015 Treaty on the Non-Proliferation of Nuclear Weapons review cycle in the following practical ways:

(a) Encouraging States parties to share best practices and lessons learned regarding building, implementing and reinforcing effective domestic export control systems and practices, including the effective use of catch-all controls;

(b) Requiring ongoing compliance by States with their IAEA safeguards obligations as a condition of nuclear equipment, material and technology supply by States parties;

(c) Reaffirming the principle that States parties should require the conclusion and implementation of a Safeguards Agreement (INFCIRC/153 (Corrected)) as well as an Additional Protocol (INFCIRC/540 (Corrected)) with IAEA as a condition for new supply arrangements with non-nuclear-weapon States;

(d) Calling 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.