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

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## Recommendations for consideration by the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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

1. As expressed in the ministerial statement it made in Hiroshima, Japan, on 12 April 2014, the Non-Proliferation and Disarmament Initiative is committed to actively contributing to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and provides the following recommendations for consideration in an outcome document.
2. The recommendations reflect the common commitment of the Initiative's members, which are diverse and come from various regions, to the Non-Proliferation Treaty and their belief that the Treaty is the cornerstone of the global nuclear non-proliferation regime and provides the essential foundation for the achievement of nuclear disarmament and the basis for the development of peaceful uses of nuclear technology. The recommendations reflect the priorities of the Initiative, as detailed in the working papers submitted to the three meetings of the Preparatory Committee for the 2015 Review Conference on specific issues related to the action plan agreed by the 2010 Review Conference. The recommendations are aimed at contributing to a balanced, consensus outcome document of the 2015 Review Conference.
3. The members of the Initiative reiterate that nuclear disarmament and non-proliferation are mutually reinforcing processes. We remain deeply concerned, as expressed in the Final Document of the 2010 Review Conference, about the catastrophic humanitarian consequences of any use of nuclear weapons and consider such consequences to fundamentally underpin all work to pursue a world free of nuclear weapons, particularly through the Non-Proliferation Treaty. The Initiative further reaffirms the need for all States to comply at all times with applicable international law, including international humanitarian law.



**Pillar 1. Disarmament**

4. The Initiative recalls action 3 of the action plan adopted by the 2010 Review Conference:

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.

5. The Initiative recommends that:

(a) The Conference stress the need for a systematic and continued reduction in all types of nuclear weapons, including non-strategic and non-deployed nuclear weapons, by all States possessing nuclear weapons, with the aim of their total elimination;

(b) The Conference welcome the ongoing implementation of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START) and urge the Russian Federation and the United States to engage in a new round of negotiations and make further steps in line with the principles of irreversibility, verifiability and transparency;

(c) The Conference reiterate 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 Non-Proliferation Treaty;

(d) Pending the start of multilateral nuclear disarmament negotiations, the Conference urge 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 Non-Proliferation Treaty;

(e) The Conference call 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;

(f) The Conference call upon nuclear-weapon States to commit to refraining from developing new nuclear warheads.

**Non-strategic nuclear weapons**

6. The Initiative recommends that:

(a) The Conference urge 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;

(b) The Conference call 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 Non-Proliferation Treaty and the objective of achieving a world free of nuclear weapons;

(c) The Conference call for, as a first step towards 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**

7. The Initiative recommends that:

(a) The Conference agree 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;

(b) The Conference call 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 Non-Proliferation Treaty, in compliance with their nuclear non-proliferation obligations (what are termed “negative security assurances”);

(c) The Conference call 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**

8. The Initiative recommends that:

(a) 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 unauthorized or accidental launch of a nuclear weapon, urge 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;

(b) The Conference highlight the importance of other States that possess nuclear weapons also taking steps towards de-alerting their nuclear forces.

### **Transparency of information relating to nuclear weapons**

9. The Initiative recommends that:

(a) The Conference reiterate 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;

(b) The Conference underscore 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;

(c) The Conference call 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 Non-Proliferation Treaty review cycle;

(d) The Conference call upon the nuclear-weapon States to commit to continuously improving the transparency of information related to nuclear weapons in their standard reporting form, which should include, without prejudice to the national security of the nuclear-weapon States, information on:

(i) The number, type (strategic or non-strategic) and status (deployed or non-deployed) of nuclear warheads;

(ii) The number and, if possible, the type of delivery vehicles;

(iii) The number and type of weapons and delivery systems dismantled and reduced as part of nuclear disarmament efforts;

(iv) The amount of fissile material produced for military purposes;

(v) The measures taken to diminish the role and significance of nuclear weapons in military and security concepts, doctrines and policies;

(e) The Conference encourage the nuclear-weapon States to continue discussions on definitions and terminology related to nuclear weapons;

(f) The Conference call upon all States parties, both nuclear-weapon States and non-nuclear-weapon States, to submit regular reports on the fulfilment of their obligations and commitments under the provisions of the Non-Proliferation Treaty.

#### **Nuclear-weapon-free zones and negative security assurances**

10. The Initiative recommends that:

(a) The Conference reiterate 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;

(b) The Conference urge all nuclear-weapon States to recognize the value of nuclear-weapon-free zones by taking all measures necessary to bring into force the pending protocols to the nuclear-weapon-free zone treaties;

(c) The Conference call 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;

(d) The Conference urge all nuclear-weapon States to respect fully their existing commitments with regard to security assurances;

(e) The Conference call 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 Non-Proliferation Treaty, in compliance with their nuclear non-proliferation obligations (what are termed “negative security assurances”);

(f) The Conference urge 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**

11. The Initiative recommends that:

(a) The Conference urge all States that have yet to ratify the Comprehensive Nuclear-Test-Ban Treaty to do so without delay, in particular the remaining eight Annex 2 States, which should not wait for other States to ratify the Treaty;

(b) The Conference reiterate that nuclear-weapon States have a particular responsibility, as agreed in action 10 of the 2010 action plan, to encourage ratification of the Treaty, and call 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;

(c) Pending the Treaty's entry into force, the Conference call upon all States to uphold and maintain a moratorium on nuclear-weapon test explosions and any other nuclear explosions;

(d) The Conference encourage all States parties to the Non-Proliferation Treaty to assist the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty 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 Comprehensive Nuclear-Test-Ban Treaty.

### **Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices**

12. The Initiative recommends that:

(a) The Conference urge 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;

(b) The Conference agree that national and security concerns hindering the 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;

(c) 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 call upon all nuclear-weapon States and other States that 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**

13. The Initiative recommends that:

(a) In implementing the recommendations contained in the report of the Secretary-General on the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Non-Proliferation Treaty in support of achieving a world free of nuclear weapons, the Conference invite all States parties to take into account the following three points:

(i) As achieving a world free of nuclear weapons requires long-term, continuous efforts, educating young people, especially teenagers, is most crucial. The knowledge and experience amassed by older generations should be passed on to younger generations, including through the educational process, so that young people can actively engage in disarmament and non-proliferation issues;

(ii) 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, the media, academic institutions and the private sector, should cooperate closely with and learn from one another through interaction. Governments can serve as the hub of a network as well as a provider of resources to facilitate interaction;

(iii) The 2002 report on the United Nations study 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 utilize new tools that have become available since the report was published, in 2002, including YouTube and social networking services such as Twitter and Facebook.

**Pillar 2. Non-proliferation****Safeguards in nuclear-weapon States**

14. The Initiative recommends that:

(a) The Conference encourage 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:

(i) Reviewing the operation of the voluntary-offer safeguards agreement and/or revisiting the voluntary-offer safeguards agreement so as to make safeguards applicable to all nuclear material designated by each nuclear-weapon State as no longer required for military purposes and relevant facilities where it that material is located, in a manner that neither excludes such material from the scope of the safeguards application nor reverses such material to military uses;

(ii) Reviewing the existing scope of the additional protocol to add measures, if necessary, such as complementary access stipulated in the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540);

(b) The Conference encourage 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 verification by the International Atomic Energy Agency (IAEA) as soon as practicable, so as to make it irreversible, either under the voluntary-offer safeguards agreement or 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) The Conference encourage the nuclear-weapon States to explore ways and means for financing safeguards in the nuclear-weapon States so that the necessary access and other safeguards activities referred to in subparagraphs (a) and (b) above can be conducted by IAEA without impeding other critical safeguards implementation priorities;

(d) The Conference encourage each nuclear-weapon State to explore ways and means of 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 in accordance with action 21 of the 2010 action plan.

### **Additional protocol of the International Atomic Energy Agency**

15. The Initiative recommends that:

(a) The Conference urge all States parties that have not yet concluded an additional protocol with IAEA to do so as soon as possible and to implement its provisions pending ratification, and that the Conference strongly encourage further work towards achieving universalization of the additional protocol;

(b) Given that the provision of assistance to States to adhere to the additional protocol can be best facilitated with IAEA support, the Conference encourage IAEA and its member States to continue to assist other States in concluding, bringing into force and implementing additional protocols;

(c) The Conference encourage IAEA and its member States to pursue coordinated activities and provide, where possible, the technical and financial support required for such activities.

### **Export controls**

16. The Initiative recommends that:

(a) The Conference encourage 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 Security Council resolution 1540 (2004), as well as the effective use of catch-all controls;

(b) The Conference urge all suppliers of nuclear equipment, material and technology to require full compliance by States with their IAEA safeguards obligations as a condition for the supply of such equipment, material and technology by States parties;

(c) The Conference reaffirm the principle that States parties should require the conclusion and implementation of a safeguards agreement (INFCIRC/153) and an additional protocol (INFCIRC/540) with IAEA as a condition for new supply arrangements with non-nuclear-weapon States;

(d) The Conference calls upon 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**

17. The Initiative recommends that:

(a) The Conference recognize the inalienable right of every State party to the Non-Proliferation Treaty 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, emphasize that cooperation to accelerate and 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;

(b) The Conference reaffirm that the use of nuclear energy must be accompanied by commitments to and the ongoing implementation of safeguards, as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations;

(c) The Conference underline the central role of IAEA in the field of peaceful uses of nuclear energy and express its determination to ensure that 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**

18. The Initiative recommends that:

(a) The Conference recommend that all States:

(i) 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;

(ii) Develop, in conjunction with IAEA, as necessary, integrated nuclear security support plans to consolidate and prioritize nuclear security needs;

(iii) Continue to improve the effectiveness of their nuclear security regimes and operators' systems by conducting self-assessments, periodically hosting missions of the International Physical Protection Advisory Service and acting upon the recommendations identified during these reviews;

(iv) Ensure that management and personnel with accountability for nuclear security are demonstrably competent;

(b) The Conference recommend that, in order to promote confidence in the effectiveness of security for non-civilian nuclear materials, the nuclear-weapon States and other States that possess nuclear weapons:

(i) 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 in enhancing the effectiveness of measures for protecting non-civilian nuclear materials;

(ii) 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;

(c) The Conference recommend that all States become party to the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material, and ratify the Amendment to the Convention on the Physical Protection of Nuclear Material;

(d) The Conference reaffirm the commitment of all States parties to the Non-Proliferation Treaty to work together to strengthen nuclear security, including by fully implementing relevant international requirements, including Security Council resolution 1540 (2004).

#### **Other issues related to the Non-Proliferation Treaty**

##### **Democratic People's Republic of Korea**

19. The Initiative recommends that the Conference strongly condemn the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea, which undermine the Non-Proliferation Treaty and the global non-proliferation regime and pose a great threat to regional and global peace and stability; that it condemn and express grave concern about a series of ballistic missile launches conducted by the Democratic People's Republic of Korea, which are clear violations of the relevant Security Council resolutions; that it strongly urge the Democratic People's Republic of Korea to comply with its commitments under the joint statement resulting from the 2005 Six-Party Talks and its obligations under all the relevant Security Council resolutions, to abandon all nuclear weapons and existing nuclear programmes and to return to compliance with its IAEA safeguards agreement and the Non-Proliferation Treaty; that it urge the Democratic People's Republic of Korea to refrain from taking further provocative actions, including ballistic missile launches, nuclear tests and the threat of the use of nuclear weapons; that it deplore the announcement and the efforts by the Democratic People's Republic of Korea to readjust and restart the nuclear facilities at Yongbyon; and that it urge the Democratic People's Republic of Korea to cease immediately all nuclear activities.

##### **Islamic Republic of Iran**

20. The Initiative recommends that the Conference encourage the ongoing negotiations between the E3+3 Governments and the Islamic Republic of Iran over the latter's nuclear issue and express hope that the negotiations will lead to a final and comprehensive resolution of the issue; in particular, that it urge the Islamic Republic of Iran to swiftly and steadily implement measures, such as the ratification and implementation of the additional protocol, to remove international concerns regarding the nuclear activities of the Islamic Republic of Iran; that it urge the

Islamic Republic of Iran to fulfil the requirements of the relevant Security Council resolutions and decisions of the IAEA Board of Governors; that it welcome, in this context, the framework for cooperation and the steps implemented to date and fully support the efforts by the E3+3 and IAEA; that it support, in particular, while respecting right of the Islamic Republic of Iran to the use of nuclear energy for peaceful purposes in conformity with the Non-Proliferation Treaty and other relevant obligations, IAEA efforts to resolve international concerns and all outstanding issues regarding Iranian nuclear activities, including possible military dimensions; and that it call upon the Islamic Republic of Iran to fully cooperate with IAEA in this respect.

### **The Middle East as a zone free of weapons of mass destruction and their means of delivery**

21. The Initiative recommends that:

(a) All States parties agree to pay special attention to the ultimate goal of establishing the Middle East as a zone free of all weapons of mass destruction;

(b) The Conference encourage countries of the Middle East region to work together to reach an agreement on the arrangements for an international conference on a zone free of weapons of mass destruction in the Middle East;

(c) The Conference encourage countries of the region to continue to work constructively with the conference facilitator, Jaakko Laajava, and his team;

(d) The Conference encourage 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 opportunity;

(e) The Conference encourage all interested States parties to constructively assist the process to convene a conference, and call on the countries of the region to work to strengthen mutual understanding and cooperation.

### **Humanitarian impact of nuclear weapons**

22. The Initiative recommends that:

(a) The Conference reiterate its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons; it affirm, in view of such consequences, that it is in the interest of all nations that the nearly 70-year record of non-use of nuclear weapons be extended forever; and it also affirm 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 Non-Proliferation Treaty, 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;

(b) The Conference stress 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 the translation of the testimonies of atomic bomb survivors (*hibakusha*) into multiple languages; and reaffirm the importance of further deepening our understanding of the humanitarian consequences of nuclear weapons using fact-based scientific studies;

(c) The Conference invite the world's political leaders to visit Hiroshima and Nagasaki to witness the humanitarian consequences of nuclear weapons with their own eyes.

### **Withdrawal from the Non-Proliferation Treaty**

23. A holistic approach should be taken to encourage States parties to remain parties to and discourage them from withdrawing from the Treaty and to re-emphasize the importance of the integrity and universality of the Treaty.

24. The Initiative recommends that the Conference agree that the exercise of the right of withdrawal under article X of the Non-Proliferation Treaty be governed by the following principles:

(a) Withdrawal is a right of States parties under article X of the Non-Proliferation Treaty. Article X subjects this right to conditions and a time frame. 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 jeopardized its supreme interests;

(b) The right of withdrawal is governed by the provisions of the Non-Proliferation Treaty 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 Non-Proliferation Treaty's standing as a cornerstone of international security, depositaries 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 jeopardized 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 fallback safeguards even after withdrawal;

(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.